

Government officials continued to rely on NGOs to provide shelter, counseling, food, and rehabilitation to victims, and to proffer only limited in-kind government support; it is unknown how many victims benefitted from such services during the year. An NGO managed the country's only permanent shelter for child trafficking victims, with the Ministry for Women and Social Action (MMAS) funding the shelter staff's salaries and the district of Moamba providing the land. MMAS staff at the shelter coordinated both the search for trafficking victims' families and, if necessary, their placement with foster families; in advance of victims' return or placement, MMAS staff counseled children and sensitized families, which were also able to receive government funding on a case-by-case basis. The Interior Ministry's GAMC continued to operate facilities in more than 200 police stations and 20 "Victims of Violence" centers throughout the country that provided temporary shelter, food, limited counseling, and monitoring following reintegration for an unknown number of trafficking victims; GAMC staff also referred and transported victims to NGOs or foster families for longer-term assistance. In 2012, GAMC staff provided food, shelter, and psycho-social support to a potential child trafficking victim from Kenya who was intercepted at the Maputo airport with a suspected trafficker; Mozambican officials worked with Kenyan officials to repatriate the child. Similar services were provided to an unknown number of Mozambican children returned from South Africa during the year, some of whom may have been trafficking victims; however, the government offered very limited reintegration assistance to repatriated trafficking victims overall. The Institute for Judicial Support offered legal assistance to abused women and children, but did not provide such assistance to trafficking victims during the year. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders; however, this did not occur during the year. The government did not provide temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution and it continued to deport foreign trafficking victims without screening them for possible victimization. Although NGO contacts reported no instances of trafficking victims having been detained, fined, or jailed for unlawful acts committed as a result of having been trafficked, and the 2008 anti-trafficking act exempted victims from prosecution for such acts, the lack of formal identification procedures impaired the government's ability to ensure that no trafficking victims received such penalties.

### **Prevention**

The government made increased efforts to prevent trafficking in persons during the reporting period through its establishment of provincial coordinating bodies, finalization of a national action plan, and organization of awareness-raising events in Mozambique and South Africa. The Attorney General's office completed drafting a national action plan on trafficking in persons, which now awaits approval by the Council of Ministers. Although the government lacks a single national body to coordinate anti-trafficking efforts across ministries, the Attorney General's office continued to demonstrate leadership in overseeing national anti-trafficking efforts. For example, in 2012, with the encouragement of the Attorney General's office, provincial governments created inter-ministerial "reference groups" in Nampula, Gaza, and Manica consisting of provincial officials, police, border guards, social workers, NGOs, and faith based organizations; roll-out is planned for all provinces by 2014. The Maputo-based reference group, in existence

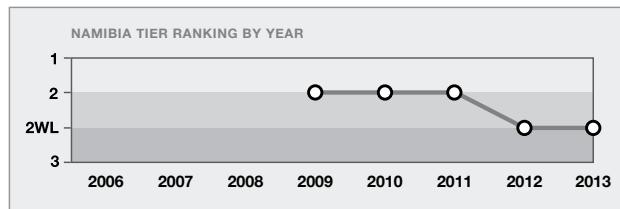
since 2010, organized an awareness campaign in November 2012 in the border town of Ressano Garcia. The one-day campaign, funded in partnership with an NGO, involved the district attorney general; district chief administrator; and border, customs, and local police, reaching 200 community members with a march through the town and official speeches on trafficking risks within their community. As part of the event, trafficking awareness messages were broadcast on state-run radio. In December 2012, the Mozambican Consulate in Nelspruit, South Africa, worked with the Mpumalanga provincial task team to host a trafficking awareness meeting for members of the Mozambican community that provided instructions on how to report a suspected case of human trafficking. State-run Radio Mozambique and several district-run community radio stations ran anti-trafficking messages in January 2013. Although the Ministry of Labor acknowledged that child labor is pervasive and often abusive, it employed an inadequate number of labor inspectors, who lacked training and resources to adequately monitor for child trafficking and other labor violations, especially on farms in rural areas. The government did not make an effort to reduce the demand for commercial sex acts during the year.

## **NAMIBIA (Tier 2 Watch List)**

Namibia is predominantly a country of origin and destination for children and, to a lesser extent, women subjected to forced labor and sex trafficking. Some victims are offered legitimate work for adequate wages, but eventually may be forced to work long hours and carry out hazardous tasks in urban centers and on commercial farms. Traffickers in Namibia exploit Namibian children in forced labor in agriculture, cattle herding, and domestic service. Children from Angola, Zambia, and Zimbabwe are subjected to prostitution in Namibia. Some Angolan boys may be brought to Namibia for forced labor in cattle herding; however, no such cases were reported during the year. Foreign nationals or persons resident in Namibia from southern Africa and Europe are among the clientele of children in prostitution in Namibia. Children are also coerced to conduct criminal activity, including drug smuggling and robbery. Namibians commonly house and care for children of distant relatives in order to provide expanded educational opportunities; however, in some instances, such children are exploited by their relatives in sex trafficking or forced labor. Among Namibia's ethnic groups, San girls are particularly vulnerable to forced labor on farms or in homes, and to a lesser extent, are exploited in prostitution.

The Government of Namibia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, including its prosecution of two suspected sex traffickers, the government did not demonstrate evidence of overall increasing efforts to address human trafficking during the previous reporting period; therefore, Namibia is placed on Tier 2 Watch List for a second consecutive year. Although the Ministry of Gender Equality and Child Welfare (MGECW) launched a National Plan of Action on Gender-Based Violence in 2012, which includes actions to address human trafficking, the government did not undertake systematic anti-trafficking efforts to ensure lasting progress, particularly in regard to the prosecution of trafficking crimes. Although the government developed a referral process for victims of gender-based violence, including trafficking, it failed to

designate as trafficking victims any victims of crime discovered during the year or ensure its officials were informed of how to determine such status. In addition, it did not complete draft comprehensive anti-trafficking legislation. Furthermore, the government has never convicted a trafficking offender under any of its laws. However, the government discovered at least one trafficking victim and provided counseling to four during the year—a modest increase in its protection efforts in 2011. It also completed its renovation of one additional shelter for victims of gender-based violence, including trafficking.



**Recommendations for Namibia:** Draft and enact comprehensive anti-trafficking legislation; increase efforts to investigate and prosecute trafficking offenses, and to convict and punish trafficking offenders under existing law, including the Prevention of Organized Crime Act (POCA); continue to train law enforcement and judicial sector officials on the anti-trafficking provisions of the POCA and other relevant laws; in the implementation of the law, ensure consistent use of a broad definition of human trafficking that does not rely on evidence of movement, but rather focuses on exploitation, consistent with the 2000 UN TIP Protocol; continue to distribute and use standard guidelines for all government stakeholders for use in the identification of victims by law enforcement, immigration, labor, and social welfare officials; continue to dedicate adequate time and resources to complete ongoing shelter and safe house renovations; continue to strengthen coordination of anti-trafficking efforts among government ministries, including at the working level; and continue to collect, analyze, and disseminate data on trafficking cases.

### Prosecution

The Government of Namibia continued its anti-trafficking law enforcement efforts during the year, initiating the prosecution of two suspects for the alleged sex trafficking of three girls. The government, however, did not convict any trafficking offenders or complete comprehensive anti-trafficking legislation during the year. In May 2009, the government enacted the POCA, which criminalizes all forms of trafficking. Under the POCA, persons who participate in trafficking offenses or aid and abet trafficking offenders may be imprisoned for up to 50 years and fined up to the equivalent of approximately \$133,000, penalties which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. During the year, the government began its first sex trafficking prosecution under the POCA; however, it has never convicted a trafficking offender under this statute. In January 2013, the government, in partnership with UNODC, held an inter-ministerial workshop to reaffirm its plans to develop comprehensive anti-trafficking legislation to include specific protections for trafficking victims, prevention measures, and harsher punishments for child trafficking offenses. The pending Child Care and Protection Bill, drafted in 2009 and approved by the cabinet in March 2012, includes a provision

criminalizing child trafficking; the bill remained pending parliamentary debate and passage.

In October 2012, the Swakopmund Magistrate's Court commenced the government's first known sex trafficking prosecution, charging two suspects for their alleged role in procuring three girls (aged 13, 14, and 18) for sexual exploitation by a South African miner for the approximate equivalent of \$1,175. The trial was ongoing at the close of the reporting period. In August 2012, nine immigration officials participated in an IOM train the trainer course and, by the close of 2012, these officials had trained 124 of their colleagues using IOM's curriculum. Furthermore, in partnership with UNICEF, MGECD developed a police curriculum on gender-based violence, including trafficking.

### Protection

The government increased its efforts to protect trafficking victims, identifying at least one victim and providing counseling to four child victims during the year. In addition, in March 2013, the government developed a formal process for the referral to assistance of victims of gender-based violence, including trafficking. However, although officials were trained on trafficking victim identification, the government remained without a process for officials to screen populations to determine victimization or provide official designation of trafficking victim status. Upon discovery of a woman or child victim of crime, including trafficking, police transfer them to the Women and Child Protection Unit (WACPU), which has responsibility for referring victims of all crimes to temporary shelter and medical assistance provided by NGOs or other entities. During the year, MGECD, in partnership with UNICEF, formalized these referral procedures through the development of a national protection referral network for crime victims. In 2012, WACPU's facilities provided initial psycho-social, legal, and medical support to trafficking victims, in cooperation with the Namibian Police, MGECD, the Ministry of Health, and NGOs. For example, the MGECD provided social workers to assist WACPU police in counseling victims of violent crimes, including human trafficking; during the year, at least four trafficking victims received such counseling, some of which involved several sessions and longer-term consultation. The MGECD trained gender-liaison officers in all 13 regions on trafficking and case management, who, in turn, trained police and all 60 of its social workers on these topics during the previous reporting period.

The government continued its renovation of buildings to be used for long-term accommodations for women and child victims of gender-based violence and human trafficking; five facilities continued operation, while one additional renovation was completed and a seventh renovation began during the reporting period. Five of the six renovated facilities are under the management of MGECD; in addition, MGECD provided a social worker and partial coverage of operational costs to an NGO managing one facility. These facilities offered overnight accommodation, medical examinations, and space for social workers to provide counseling and psycho-social support. In 2012, police caught a 14-year old San boy stealing cattle on behalf of his uncle, who had kidnapped the boy; authorities did not penalize the boy for this crime, but instead took him to WACPU for counseling and reintegration. The government actively encouraged victims to voluntarily assist in the prosecution of alleged trafficking offenders during the year. Though no foreign victims were identified in Namibia

in 2012, the government remained without the ability to provide temporary or permanent residency to foreign victims.

## Prevention

The Namibian government continued its efforts to prevent human trafficking during the reporting period. Under the leadership of MGECW, the National Advisory Committee on Gender-Based Violence—which included trafficking within its mandate—launched its “National Plan of Action on Gender-Based Violence 2012-2016,” completed with donor funding and in partnership with UNDP, UNICEF, and local stakeholders. In November 2012, the government concluded its three-year “Zero Tolerance Against Gender-Based Violence and Trafficking in Persons” media campaign that included TV and radio broadcasts on human trafficking and the placement of billboards; the campaign was jointly funded by the MGECW and donors. In addition, the police, in partnership with several NGOs and international donors, continued an anti-trafficking and prostitution demand reduction campaign. In 2012, the MGECW began seeking proposals and bids that would enable the completion of a study to assess the extent of trafficking in the country and the effect of current counter-trafficking efforts. During the year, several officials, including the first lady, addressed community leaders, traditional leaders, and parents on child prostitution and child labor, advocating for them to increase children’s awareness about these topics and facilitate their attendance in school.

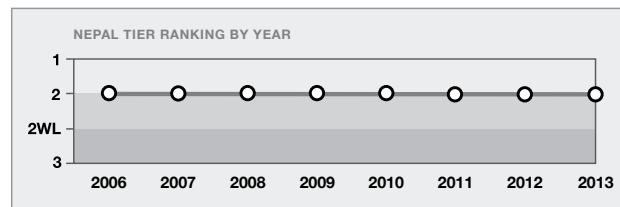
## NEPAL (Tier 2)

Nepal is a source, transit, and destination country for men, women, and children who are subjected to forced labor and sex trafficking. Nepali men are subjected to forced labor in the Middle East and within the country. Nepali women and girls are subjected to sex trafficking in Nepal, India, the Middle East, and China and subjected to forced labor in Nepal, India, and China as domestic servants, beggars, factory workers, mine workers, and in the adult entertainment industry. They are subjected to sex trafficking and forced labor elsewhere in Asia, including in Malaysia, Hong Kong, and South Korea. Nepali boys are also exploited in domestic servitude and, along with a number of Indian boys transported to Nepal, subjected to forced labor within the country, especially in brick kilns and the embroidered textiles, or *zari*, industry. Extreme cases of forced labor in the *zari* industry frequently involve severe physical abuse of children. Bonded labor exists in agriculture, cattle rearing, brick kilns, the stone-breaking industry, and domestic servitude. Bonded laborers freed by a government decree in 2000 are left vulnerable to human trafficking in the absence of sufficient government-mandated rehabilitation services. Children of *kamaiya* families that were formerly or are currently in bonded labor are also subjected to the *kamalari* system of domestic servitude. Human traffickers typically target low-caste groups.

Some of the Nepali migrants who willingly seek work in domestic service, construction, or other low-skilled sectors in India, Gulf countries, Malaysia, Israel, South Korea, and Lebanon subsequently face conditions indicative of forced labor such as withholding of passports, restrictions on movement, nonpayment of wages, threats, deprivation of food and sleep, and physical or sexual abuse. In many cases, this forced labor is facilitated by recruitment fraud and high recruitment

fees charged by unscrupulous Nepal-based labor brokers and manpower agencies. Unregistered migrants—including the large number of Nepalis who travel via India or rely on independent recruiting agents—are more vulnerable to forced labor. Migrants from Bangladesh, Burma, and possibly other countries may transit through Nepal for employment in the Gulf states, fraudulently using Nepali travel documents, and may be subjected to human trafficking.

The Government of Nepal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so despite limited resources and the absence of a parliamentary body since May 2012. The national anti-trafficking inter-ministerial committee was strengthened under the new leadership of an undersecretary. Officials took steps to regulate labor recruitment agencies, and the government published a report on its anti-trafficking efforts. Problems remained, however. Anti-trafficking structures were not fully effective, and trafficking victims did not receive sufficient support from the government. Anti-trafficking laws were inconsistently implemented, and the government ineffectively used funds allocated for protection. Victim identification efforts were weak; child sex trafficking victims were returned to their abusers in the wake of raids, increasing the debts by which they were bonded. Many government officials continued to employ a narrow definition of human trafficking, leaving domestic sex and labor trafficking victims and male victims of transnational labor trafficking unidentified, marginally protected, or re-victimized.



**Recommendations for Nepal:** Increase law enforcement efforts against all forms of trafficking, including the sex trafficking of Nepali females within Nepal, and against government officials complicit in trafficking-related crimes; ensure trafficking victims are not punished for their involvement in prostitution or forgery of official documents as a direct result of their being trafficked; prosecute labor trafficking offenders who exploit Nepalese migrants abroad and Nepali labor recruiters for charging excessive recruitment fees or engaging in fraudulent recruitment; raise awareness among government officials and the public of the existence of forced prostitution of Nepali women and girls within Nepal; work to revise the Human Trafficking and Transportation (Control) Act (HTTCA), or finalize a new draft law to bring the definition of human trafficking in line with international standards; institute a formal procedure to identify victims of trafficking, particularly by police who conduct raids, and refer them to protection services; lift the recent ban on women under age 30 working as domestic workers in the Gulf states, and publicize that policy change; continue to monitor and evaluate anti-trafficking shelters; ensure victim services are available to male victims of trafficking; implement the victim protection provisions of the HTTCA, including protections for victims who serve as witnesses in trafficking prosecutions; improve evidence collection, including by educating victims on the processes required to submit their testimony; and accede to the 2000 UN TIP Protocol.

## Prosecution

The Government of Nepal continued to convict transnational sex trafficking offenders during the reporting period. Nepal prohibits many, but not all, forms of trafficking in persons through the 2007 Human Trafficking and Transportation (Control) Act (HTTCA) and the 2008 Regulation. While the HTTCA criminalizes slavery, bonded labor, and the buying and selling of a person, it does not criminalize the recruitment, transportation, harboring, or receipt of persons by force, fraud, or coercion for the purpose of forced labor or services. It criminalizes forced prostitution but, in a departure from the 2000 UN TIP Protocol's definition of human trafficking, does not consider the prostitution of children as a form of human trafficking absent force, fraud, or coercion. The law also criminalizes non-trafficking in persons offenses, including engaging in prostitution and removal of human organs. Prescribed penalties range from 10 to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The HTTCA, however, shifts the burden of proof to the defendant, requiring the defendant prove he or she did not commit the offense; placing the burden of proof on the suspected victim thereby assumes his or her guilt. Bonded labor is prohibited through the Bonded Labor (Prohibition) Act (2002). Forced child labor and transnational labor trafficking offenses may be prosecuted under the Child Labor Act and the Foreign Employment Act. According to the office of the Attorney General, at least 189 trafficking offenders were convicted under the HTTCA during the Nepali fiscal year, compared with approximately 229 in the previous fiscal year; the government did not provide information on sentences or confirm the number of convicted trafficking offenders who served time in jail. In one case, a district court sentenced a sex trafficking offender to 170 years in jail—the longest sentence recorded in Nepal's history—and levied a substantial fine. Government officials and civil society groups noted that the vast majority of convictions under the HTTCA were for transnational sex trafficking, and some NGOs reported that many law enforcement authorities do not pay sufficient attention to the problem of sex trafficking within the country. The government included anti-trafficking elements in law enforcement officers' regular training programs and provided meeting spaces and participated as trainers for some NGO-organized and foreign government-funded trainings. Nevertheless, police officers' lack of awareness of the law, challenges in evidence collection, and poor investigation techniques impeded prosecutions. A prominent NGO reported that victims prefer civil action or compensation through informal negotiations with the defendant rather than pursuing lengthy criminal prosecutions.

There continued to be NGO reports that some government and political party officials were complicit in trafficking-related crimes. NGOs asserted that political parties sometimes support traffickers and pressure a variety of actors, including police, prosecutors, and the judiciary, to ignore or drop cases, but they did not provide specific examples. Traffickers reportedly use ties to government officials to facilitate trafficking, including by paying bribes for protection and favors, although the scope of the problem is not established. Some Nepali officials reportedly have been bribed to include false information in genuine Nepali passports or to provide fraudulent documents to prospective labor migrants. According to reports, the Government of Nepal continued to investigate nine airport officials for taking bribes to allow workers traveling on inappropriate visas to pass immigration control, a trafficking-related offense, but

did not report any prosecutions of government employees for complicity in trafficking-related offenses during the reporting period.

## Protection

The Government of Nepal made limited efforts to protect trafficking victims in the reporting period. Government officials rarely proactively identified victims of trafficking among high-risk persons with whom they came in contact. Some victims of transnational labor exploitation faced legal action for possession of forged travel documents. In raids of "adult entertainment" establishments, some trafficking victims, including girls, were reportedly arrested and then bailed out by their traffickers, further indebted the girls to their exploiters. Other sex trafficking victims were charged under "public offense" provisions of the law. The government did not report the number of victims it identified in the reporting period. Two NGOs reported supporting 960 trafficking victims in 2012, at least 189 of whom were victims of labor trafficking. The government did not provide legally mandated benefits to many bonded laborers who, in past years were freed through government decree, leaving them impoverished and vulnerable to further trafficking. Government and NGO officials jointly rescued more than 120 Nepali and Indian child laborers, likely trafficking victims, in the *zari* industry. These children were referred to protection services and reunited with their families. The government issued 34 *zari* factory owners fines of only the equivalent of approximately \$112, which anti-trafficking advocates consider an insufficient penalty. A government official noted the risk of these children being re-trafficked, and a follow-up visit six months later revealed that one of the rescued children was re-victimized in the *zari* industry.

The government continued to run emergency shelters for vulnerable female workers—some of whom were likely trafficking victims—in Saudi Arabia, Qatar, Kuwait, and the United Arab Emirates and continued to provide funding to its embassy in India to assist in repatriating Nepali trafficking victims. Some Nepali embassies have referred human trafficking cases to the police via the Department of Foreign Employment (DOFE). While the Foreign Employment Promotion Board (FEPB) collected fees from departing registered migrant workers for a welfare fund, most of the funds remain unused; the majority of pay-outs were to families of deceased migrant workers. In the reporting period, the Ministry of Labor did not contribute to its fund to assist exploited undocumented workers; there was no information as to whether any Nepali migrant workers benefited from this fund.

The national minimum standards for victim care outline procedures for referring identified victims to protection services; however, the referral system functioned inconsistently. The Ministry of Women, Children, and Social Welfare (MWCSW) continued to partially fund eight NGO-run shelter homes for female victims of trafficking, domestic violence, and sexual assault, as well as emergency shelters for victims of trafficking and other forms of abuse, run by local women's cooperatives, but it is unclear how many of those assisted were trafficking victims. While government officials reported that these shelters are available for men, there is little information on whether any men received protective services in these shelters. Most of the funds the government allocated for protection efforts remained unspent, and in practice many trafficking victims did not receive legally mandated compensation. All facilities that assist trafficking victims in Nepal were run by NGOs,

and most provided a range of services. Some of these shelters reportedly limited victims' ability to move freely and controlled their access to money and to family members. In April 2012, the government adopted psycho-social counseling guidelines developed by an international organization. In partnership with an international organization and the private sector, the government provided job opportunities for some victims. The government encouraged trafficking victims to participate in investigations against their traffickers on an *ad hoc* basis, such as by providing transportation costs to courts; however, the lack of effective victim-witness protections continued to be a major impediment to prosecutions.

### **Prevention**

The Government of Nepal increased its efforts to prevent human trafficking during the reporting period. Under the improved leadership of an MWCSW undersecretary, the inter-ministerial National Committee for Controlling Human Trafficking (NCCHT) continued to meet regularly; formed three working groups to address issues of protection, prosecution, and prevention; and disseminated anti-trafficking policy documents to a number of government officials, particularly through training sessions. In March 2013, the NCCHT also published a report on the government's anti-trafficking efforts. The government re-imposed a ban on the migration of females under age 30 to the Gulf states for domestic work; according to a report by the UN Special Rapporteur on trafficking in persons, bans such as these may drive migration further underground and lead to increased human trafficking. The government allocated the equivalent of approximately \$2,300 to mark the sixth annual national anti-trafficking day, and federal and district officials participated in rallies throughout the country. In January 2013, the president publicly honored a prominent anti-trafficking activist for her work. NGOs state that the majority of the District Committees for Controlling Human Trafficking (DCCHT) do not function well or are not active; the NCCHT assisted some of the better-performing DCCHTs to form village-level committees to address human trafficking at a local level. The FEPB sponsored a program and short public service announcements on safe migration on the radio.

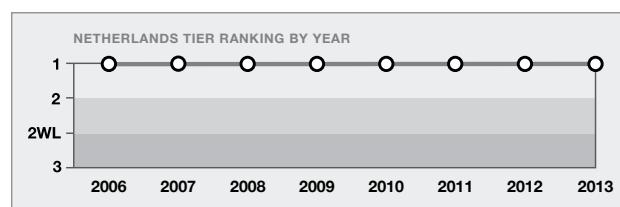
In the reporting period, the Government of Nepal worked to improve the monitoring of labor recruitment agencies and brokers. For instance, DOFE registered approximately 200 recruitment brokers, an increase from fewer than a dozen registered brokers a year ago, and formally linked those brokers to a single recruitment agency in an effort to clarify lines of responsibility. This is a small fraction of the estimated 30,000 recruitment brokers in Nepal, according to a report by an international anti-trafficking organization. Government-mediated complaints of recruitment agencies resulted in fines and the closure of a number of agencies, but it is unknown whether these recruiters were involved in human trafficking-related activities. Nepali recruitment agencies often register multiple companies; in the event of license cancellation, the agent continues business under a different name. There were no known cases of the criminal prosecution of recruitment agencies for facilitating human trafficking. Efforts by the government to reduce the demand for commercial sex acts and child sex tourism, including the prosecution of clients of prostitution in the adult entertainment sector, were mitigated by the government's punishment of sex trafficking victims. All Nepali military troops and police assigned to international peacekeeping forces were provided pre-deployment anti-

trafficking training. Nepal is not a party to the 2000 UN TIP Protocol.

## **NETHERLANDS (Tier 1)**

The Netherlands is a source, destination, and transit country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. A significant number of underage Dutch residents continued to be subjected to sex trafficking in the country. The Netherlands, Hungary, Nigeria, Romania, Bulgaria, Sierra Leone, and Poland are the top seven countries of origin for identified victims of forced prostitution in 2012; victims are also from Africa, China, and other parts of Asia. Men and boys are subjected to forced prostitution and various forms of forced labor, including in the maritime sector, agriculture, horticulture, catering, food processing, cleaning, construction, and illegal narcotics trafficking. Male victims originate primarily from Romania, Nigeria, Poland, Pakistan, Sierra Leone, Angola, China, Ghana, and Guinea, but are also from India, Bulgaria, Egypt, Hungary, the Netherlands, and the Philippines. Domestic workers employed in the Netherlands remain vulnerable to forced labor, including by foreign diplomats posted in the Netherlands. Groups vulnerable to trafficking include unaccompanied children seeking asylum, women with dependent residence status obtained through fraudulent or forced marriages, women recruited in Africa and Eastern Europe, and East Asian women working in massage parlors. Local recruitment of domestic trafficking victims over the internet continued to increase.

The Government of the Netherlands fully complies with the minimum standards for the elimination of trafficking. The government continued to employ a multidisciplinary, whole-of-government approach to its anti-trafficking efforts and maintained an effective and independent national anti-trafficking rapporteur. It used creative methods to detect and proactively identify both foreign and domestic trafficking victims in the country and mobilized a range of governmental, non-governmental, and private entities in this endeavor. In 2012, the government continued to investigate and prosecute sex trafficking and forced labor cases vigorously; police and investigators referred the highest number of trafficking cases to date for prosecution during the reporting period. While the average sentences for convicted traffickers increased, courts in the Netherlands continued to hand down lenient sentences for these perpetrators. The government increased its international anti-trafficking cooperation during the year, sharing best practices and lessons learned with source countries, EU partners, and other countries.



**Recommendations for the Netherlands:** Ensure convicted trafficking offenders receive sentences commensurate with the seriousness of the crime; continue to develop pragmatic approaches to victim outreach within illegal and legal labor sectors, including potential victims inadvertently held in

detention centers; ensure sufficient shelter capacity for the delivery of comprehensive and specialized services for trafficking victims; continue to employ innovative methods to prevent and uncover forced labor; continue to mentor officials in the former Antilles as well as Bonaire, St. Eustatius, and Saba (BES) to improve identification of victims and prosecution of traffickers in the Caribbean; and continue to share best practices and lessons learned with other countries, in particular, methods to uncover and respond to local sex trafficking of domestic victims, the development of a multi-disciplinary approach and practices on victim protection, and the importance of employing a self-critical approach to improve anti-trafficking results.

## Prosecution

The Dutch government continued to pursue innovative approaches to addressing human trafficking through law enforcement. During the year, it convicted an increased number of trafficking offenders and increased the average sentence for trafficking offenders. The Netherlands prohibits all forms of trafficking through Article 273 of its criminal code, which prescribes sentences ranging from eight to 18 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2012, the government prosecuted and convicted 141 trafficking offenders, an increase from 108 in 2011. The average sentence for convicted trafficking offenders was approximately 25 months in 2011, the most recent year this data was available, an increase from 21 months in 2010. The government did not disaggregate forced labor cases from sex trafficking cases, but one official estimated approximately one-quarter of all cases involved labor trafficking. One official noted judges consistently handed down more severe penalties for rape than for sex trafficking. Local police reported that low sentences for traffickers continued to result in the reappearance of the same offenders and thus the continued exploitation of trafficking victims within the regulated commercial sex sector. In October 2012, the Administrative Office of the Courts announced the appointment of specialized anti-trafficking judges after the rapporteur reported that disparities in the way judges across the country interpret Article 273 were resulting in widely varying verdicts and sentences for trafficking offenders. In addition, in January 2013, the Administrative Office of the Courts designated four courts to specialize in complex human trafficking cases.

In a landmark verdict in July 2012, a court in Leeuwarden sentenced a sex trafficker to six years' imprisonment for subjecting a woman to forced prostitution for seven years. The court also awarded the victim the equivalent of approximately \$1.3 million in restitution as part of its verdict. During the reporting period, local authorities, including specialized social workers, interpreters, and lawyers, conducted two major operations to investigate human trafficking in red-light districts in Eindhoven and Alkmaar based on the successful model utilized in The Hague's red-light district in 2011 that uncovered useful information about the sex trade, the persons operating in it, potential victims, and suspected perpetrators.

The government increasingly focused its law enforcement efforts on sectors vulnerable to forced labor in 2012. In December 2012, a court in Zwolle sentenced two co-directors of a temporary agency to respective sentences of four and eight years' imprisonment for forced labor involving Polish workers. The court found the offenders guilty of coercing and exploiting

one male and six female workers in a meat-processing facility, in addition to other charges; one suspect was also found guilty of raping three of the victims. The court found that the victims were completely dependent on the suspects for work, housing, and transportation. In November 2012, the national police service published the results of a two-year study on human trafficking in Chinese restaurants, massage parlors, and nail salons. The study revealed trafficking victims in these sectors and found they were reluctant to leave these situations out of fear of deportation, loyalty to their community, or fear of reprisal by their traffickers against their families in China. There were no reported official cases of trafficking-related complicity in 2012; however, Amsterdam police believe that police assigned to anti-prostitution law enforcement efforts carry inherent temptations for corruption. The force therefore requires anti-trafficking officers in Amsterdam to pass three examinations in a specialized, 256-hour training course focused on working with trafficking victims and policing the sex industry. Potential officers also must sign a code of conduct before they are eligible to work in this sector. During the reporting period, the government re-opened an investigation into allegations that a former Ministry of Justice official had engaged in child sex tourism in the 1990s after an alleged victim presented a deposition. The investigation, the third in the case, ended in October 2012 when the Prosecutor's Office concluded that there was insufficient evidence on which to proceed. An appeal to compel prosecution by court order was thereafter filed by the complainants and alleged victims; the appeal remained pending at the end of the reporting period.

## Protection

The Netherlands demonstrated appreciable progress in its efforts to protect trafficking victims during the reporting period. In 2012, Comensha, the government-funded national victim registration center and assistance coordinator, registered 1,024 potential trafficking victims in the first 11 months of 2012, compared with 1,222 victims in 2011. The government continued to operate an extensive network of facilities providing a full range of trafficking-specialized services for children, women, and men; the government provided victims with legal, financial, and psychological assistance, shelter, medical care, social security benefits, and education financing. Victims in government shelters were not detained involuntarily. The government reported that single underage asylum seekers suspected to be trafficking victims were provided intensive counseling in secure shelters to protect them from traffickers. Comensha continued to report a shortage of accommodation for trafficking victims requiring shelter in 2012. Dutch authorities provided temporary residence permits to allow foreign trafficking victims to stay in the Netherlands for a three-month reflection period, during which victims received immediate care and services while they considered whether to assist law enforcement. The government provided updated comprehensive data regarding temporary and permanent residency permits reported last year. In 2011, the government reported it granted 390 three-month reflection periods, 400 B-9 temporary residency permits, and 70 permanent residency permits to trafficking victims. The government did not provide preliminary figures for 2012, though it confirmed that the number of permits issued during the first four months of the year were on par with residency permits issued in 2011. Victims with B-9 status are permitted access to the labor market. Permanent residency is granted to victims if their case results in conviction of their trafficker and to victims who had held B-9 status for three or more years.

The government encouraged victims to assist in the investigation and prosecution of traffickers, although it lacked figures on the percentage of trafficking victims who filed charges against their traffickers during 2012. The National Prosecutor's office reported that many victims did not file complaints, fearing retaliation by traffickers or deportation by officials. The government, however, continued to seek ways to increase incentives for victims to cooperate with law enforcement. In 2012, the government granted a two-year extension to a successful 2012 pilot project that demonstrated dedicated shelters for trafficking victims facilitated recovery and led to higher rates of cooperation in criminal investigations. The government also decided to extend until 2015 a pilot project in which male trafficking victims are offered shelter. There were no reports that any victims were punished for unlawful acts committed as a direct result of being trafficked. However, one NGO expressed concern that some unidentified trafficking victims may have been mistakenly detained by law enforcement officials who may have missed signs of trafficking. In 2012, the government initiated training for staff working with asylum seekers on ways to identify trafficking victims among this population. To facilitate safe and voluntary repatriation, the Ministry of Foreign Affairs has developed a system to evaluate victims' safety in five countries of return.

### **Prevention**

The government continued to pursue innovative approaches to prevent trafficking and address demand for commercial sex acts and forced labor; its multi-agency human trafficking taskforce continued to coordinate the country's anti-trafficking response in 2012. In June 2012, the government renewed a previously successful campaign to educate clients of women in prostitution about trafficking and encouraged them to anonymously report signs of exploitation to authorities through the national anti-trafficking hotline. Local police in Amsterdam conducted and publicized a sting operation at three hotels in 2012 to ensure compliance with a ban on illegal prostitution on their premises; in response the Dutch hotel association announced an industry policy favoring the dismissal of hotel managers who fail to prevent illegal prostitution in their hotels. In 2012, the government implemented a number of measures targeting local pimps who seduce young women and then coerce them into sex trafficking and forced prostitution in the Netherlands, including through an awareness campaign for students co-created by a former domestic trafficking victim. In January 2012, the Social Affairs Ministry launched a campaign against fraudulent temporary employment agencies prompted by concerns that temporary agencies may exploit laborers, mostly in agriculture and horticulture, and thus disrupt the competitive market. The ministry compiled a list of the 100 agencies most susceptible to fraud for increased scrutiny by the labor inspectorate. During the reporting period, the foreign ministry continued to conduct outreach with foreign diplomats' domestic staff members, without their employers present, on how to report cases of abuse.

The government pursued formal cooperation with source countries and established mentoring relationships via a memorandum of understanding (MOU) between Dutch experts and their counterparts in the Caribbean islands of Curacao, Aruba, and St. Maarten during the year. In April 2012, the ministry initiated a pilot program to train foreign consulates from common source countries in the Netherlands on how to identify and report potential trafficking victims. The Dutch government continued to demonstrate

anti-trafficking leadership by transparently reporting and publishing self-critical, public reports on its anti-trafficking efforts. The National Rapporteur's office published six reports on human trafficking in 2012. The military provided training on the prevention of trafficking and additional training on recognizing trafficking victims for troops being deployed abroad on missions as international peacekeepers. In October 2012, the government, in partnership with NGOs and private sector travel agencies, launched an awareness campaign to address child sex tourism by distributing a flyer to all travelers flying internationally from the Netherlands to encourage them to report suspicious activity.

### **Bonaire, St. Eustatius, and Saba**

On October 10, 2010, the Kingdom of the Netherlands established a new constitutional structure under which the "Netherlands Antilles" ceased to exist as an entity within the Kingdom. As of that date, the BES islands became municipalities of the continental Netherlands. On September 27, 2010, the government adjusted the Criminal Code of the BES islands to reflect the new structure. The criminal code prohibits both sex and labor trafficking under Article 286f. The government reported this article is similar to the human trafficking article in the Netherlands' criminal code, although prescribed penalties are lower, ranging from six to 15 years' imprisonment. The BES islands are a transit and destination area for women and children subjected to trafficking, specifically forced prostitution, and for men and women in conditions of forced labor. Women in prostitution in both regulated and illegal commercial sex sectors in the BES islands are highly vulnerable to trafficking, as are unaccompanied children. Local authorities believe that men and women also have been subjected to involuntary domestic servitude and other forms of forced labor in the agricultural and construction sectors. Some migrants in restaurants and local businesses may be vulnerable to debt bondage.

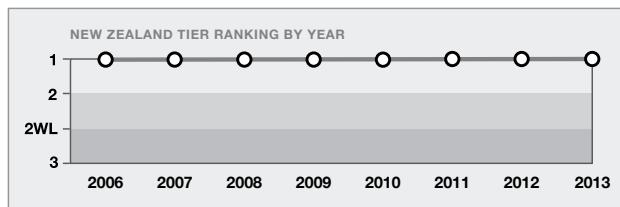
In 2012, the Netherlands, also representing BES, continued to implement its June 2011 MOU with Aruba, Curacao, and St. Maarten to increase cooperation on anti-trafficking to improve victim identification and prosecution of traffickers on the islands. Part of the MOU includes establishment of a mentoring or "twinning" system for officials from the four countries of the Kingdom and the BES to provide each other with technical support to develop anti-trafficking investigations and prosecutions, as well as shelter and information campaigns. In October 2012, local authorities, in partnership with Dutch officials, reported investigating the first trafficking case in Bonaire, involving Colombian women in forced prostitution. No victims were identified in Saba or St. Eustatius. No trafficking prosecutions or convictions were initiated on these islands during the reporting period. The central government continued to provide in-kind support for human trafficking hotlines in St. Maarten and Bonaire, though there were no awareness campaigns specifically targeting potential clients of the sex trade in the BES islands to reduce demand for commercial sex acts.

### **NEW ZEALAND (Tier 1)**

New Zealand is a destination country for foreign men and women subjected to forced labor and to an extent, a source country for underage girls subjected to sex trafficking within

the country. Foreign men aboard foreign-flagged fishing vessels in New Zealand waters, mainly from Indonesia, are subjected to conditions of forced labor, including debt bondage, underpayment of wages, and some cases of physical and sexual abuse. Conditions experienced by workers on these boats include confiscation of passports, imposition of significant debts, physical violence, mental abuse, and excessive hours of work. Foreign women, including some from China and Southeast Asia, may be recruited from their home countries by labor agents for the purpose of prostitution and may be at risk of coercive practices. A small number of girls and boys, often of Maori or Pacific Islander descent, engage in street prostitution while some are victims of gang-controlled trafficking rings. The problem of street prostitution of children in South Auckland continues, in which some children were recruited by other girls or compelled by family members. The Christchurch School of Medicine's 2007 survey reported that due to their age, children in forced prostitution are more likely to have suffered more violence, threats, rape, and theft. According to police reports, health personnel testified to several instances of underage women seeking emergency care for sexual violence. Some Asian and Pacific Islander individuals migrate voluntarily to New Zealand to work in the agriculture, horticulture, and viticulture sectors, and are subsequently subject to forced labor through fraudulent employment contracts they signed before arrival. In addition, some foreign workers report being charged excessive and escalating recruitment fees, experiencing unjustified salary deductions and restrictions on their movement, having their passports confiscated and contracts altered, or being subjected to a change in working conditions without their permission—all indicators of human trafficking.

The Government of New Zealand fully complies with the minimum standards for the elimination of trafficking. However, the government has not prosecuted or convicted any trafficking offenders under its trafficking legislation in the last seven years, nor has it identified or certified any trafficking victims in the last nine years. A legal review of national anti-trafficking legislation to expand the availability of anti-trafficking prosecutorial tools, and to conform the existing New Zealand anti-trafficking laws with international standards, was submitted to the Cabinet; approval of the review's recommendations remained pending at the end of the reporting year. While three trafficking investigations continued at the end of the reporting period, the government did not formally identify any persons as trafficking victims during the year.



**Recommendations for New Zealand:** Draft and enact legislation that will expand New Zealand's current anti-trafficking legal framework to prohibit and adequately punish all forms of human trafficking; significantly increase efforts to investigate and prosecute both sex and labor trafficking offenders; update and fully implement the 2009 national plan of action to reflect the current trafficking in persons situation in the country; make greater efforts to assess the full extent of sex and labor trafficking occurring in New Zealand;

investigate and prosecute employment recruiting agencies or employers who subject foreign workers to debt bondage or involuntary servitude; increase efforts to proactively screen vulnerable populations, including women in prostitution, foreign workers, and illegal migrants, in order to identify and assist trafficking victims; increase efforts to identify and assist child sex trafficking victims; continue to make proactive efforts to identify victims of labor trafficking, particularly among populations of vulnerable foreign laborers; and establish an ongoing anti-trafficking awareness campaign directed at clients of both the legal and illegal sex trades.

## Prosecution

The Government of New Zealand demonstrated modest efforts to investigate suspected trafficking offenses—an increase from six reported last year to eight this year—but failed to convict and punish any trafficking offenders for a ninth consecutive year. New Zealand does not have a comprehensive anti-trafficking law that prohibits all forms of trafficking and the government's recommendations from its review of the scope of these laws are still pending with the Cabinet. Current New Zealand statutes define human trafficking as a transnational offense akin to smuggling, though it does not include exploitation as an element of the crime, and criminalizes in the Crimes Act of 1961 only some specified forms of forced labor. Slavery is criminalized, but limited to situations of debt bondage and serfdom; this prohibition does not cover forced labor obtained by means other than debt, law, custom, or agreement that prohibits a person from leaving employment. The Dealing in Slaves statute and the Prostitution Reform Act criminalize inducing or compelling a person to provide commercial sex and, with regard to children, provide a broader prohibition to include facilitating, assigning, causing, or encouraging a child to provide commercial sex. While statutory penalties for these crimes are generally commensurate with those prescribed for other serious crimes, such as rape, the maximum penalty of seven years' imprisonment prescribed for the sex trafficking of children does not commensurate with penalties imposed for rape or with the maximum penalty of 14 years' imprisonment prescribed for inducing or compelling the commercial sexual services of an adult. The Crimes Act of 1961 and the Wages Protection Act of 1983 prohibit fraudulent employment and recruiting practices and prescribe sufficiently stringent penalties of up to 20 years' imprisonment and a fine equivalent to approximately \$250,000 and commensurate with those prescribed for other serious crimes, such as rape. However, the government has never prosecuted suspected trafficking offenders under any of these laws. The Immigration Act prohibits retention or control of a person's passport or any other travel or identity document, though there were no prosecutions for passport confiscation during the year.

During the reporting year, the government investigated eight alleged trafficking offenses; three of which were ongoing at the close of the reporting period. No prosecutions of suspected sex or labor trafficking offenders were initiated and no convictions of trafficking offenders were obtained. According to NGOs and government officials, the reason for the absence of anti-trafficking prosecutions and identification of victims is the high evidentiary bar of the current law. The government prosecuted fishing companies on boats in the New Zealand economic zone for environmental offenses. Although the government investigated allegations of forced labor on the same boats, despite allegations of underpayment of wages, physical abuse, and threats against the crewmen, no

prosecution resulted. Despite the lack of prosecutions and certification of trafficking victims, the government trained new customs officers on trafficking as part of the mandatory induction course and provided training sessions on victim identification and interviewing skills to frontline officers at various agencies. The government did not report any efforts to investigate or prosecute public officials for alleged complicity in trafficking-related offenses.

## **Protection**

The government demonstrated limited efforts to protect trafficking victims during the reporting period. The government did not proactively identify any victims of trafficking. However, the government adopted a victim-centered approach to monitoring industries with high numbers of migrant workers. In the decriminalized sex industry, government labor inspectors periodically visit legal brothels to ensure that workers' conditions satisfy New Zealand law. The government investigated allegations of underage children in prostitution, though no child victims were identified. Police referred other underage girls to social services from areas where street prostitution was common. One member of parliament reported discovering a child in prostitution as young as 13 years of age.

The country's laws require that victims of crime, including human trafficking, receive access to and information about services including medical care, legal aid, and psycho-social counseling; the government offers these services to individuals. On a case-by-case basis, the New Zealand police provide amenities, such as food and shelter, to meet the immediate needs of victims of crime and refer them to NGOs or other service providers. Immigration officers and labor inspectors use templates that contain interrogation techniques; these were augmented with a new online learning module that raised awareness of trafficking; it is unclear whether any victims were identified using this method during this reporting year. New Zealand's laws authorize temporary residency to victims of trafficking for up to 12 months and make them eligible for a variety of government-provided or government-funded services. Although not identified as trafficking victims, nine Indian students who alleged forced labor and underpayment of wages at an Auckland liquor store were provided work visas by the government for the pendency of the trial; the trial began in February 2013 and was still pending at the end of the reporting year. In addition, the government provided temporary work visas and collaborated with the New Zealand Charter Party to provide care to 35 crew members of foreign charter vessels (FCVs) during the investigations of alleged abuse onboard the vessels.

## **Prevention**

The Government of New Zealand increased its efforts to prevent trafficking during the reporting year. After the March 2012 release of the ministerial inquiry report on forced labor aboard foreign-flagged fishing vessels operating in New Zealand waters, the government implemented short- and long-term legislative and regulatory changes. In the short-term, the government suspended visas for the crews of foreign fishing vessels, effectively shutting down fishing operations until operators showed credible evidence that they are providing back pay to former crew and adequate pay to current crew. This reportedly resulted in significant economic losses for the fishing companies. Apparently as result, several fleets no longer fish in New Zealand waters. A new law, the adoption of which

had been recommended by the ministerial inquiry into the allegations of trafficking of fishing boat crews, requires that by 2016, all FCVs fishing in New Zealand waters must operate as New Zealand-flagged vessels, and to extend the applicability of New Zealand's health and labor laws to such vessels. Also in the wake of the inquiry, the duties of the existing fisheries observers to report on labor trafficking abuses was expanded; the Ministry of Business, Innovation and Employment is now empowered to suspend or cancel fishing registrations for noncompliance with relevant regulations. The previous Code of Practice on Foreign Fishing Crew to ensure fair payments is also being updated. In March 2013, a Ukrainian vessel redesignated under the New Zealand flag was the first vessel to comply with this new requirement. The government continued to distribute brochures on trafficking indicators to community groups in six languages through its regional offices; they were also distributed to those in the sex trade and the horticulture and viticulture industries. The Ministry of Business, Innovation, and Employment developed a train-the-trainer module to raise awareness about trafficking crimes and to teach indicators to front-line officers, targeting vulnerable populations in migrant communities. The government did not take significant steps to reduce the overall demand for commercial sex acts in the country's decriminalized commercial sex industry. The government provided anti-trafficking training to military personnel prior to their deployment abroad on international peacekeeping missions. The government continued to cooperate with foreign governments to identify child sex tourists and to prioritize the prevention of child sex tourism abroad by New Zealand residents. In November 2012, the government notified authorities in the Philippines of a New Zealand resident with previous convictions for child sex tourism who was in the Philippines. He was subsequently arrested for child rape in the Philippines, where he awaits trial.

## **NICARAGUA (Tier 1)**

Nicaragua is principally a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Nicaraguan women and children are subjected to sex trafficking within the country as well as in neighboring countries, most often in other Central American states, Mexico, and the United States. Trafficking victims are recruited in rural areas for work in urban centers—particularly Managua, Granada, and San Juan del Sur—and subsequently coerced into prostitution. Nicaraguan girls are subjected to sex trafficking in locations along the country's Atlantic Coast, where the lack of strong law enforcement institutions, higher crime rate, and presence of drug trafficking increases the vulnerability of the local population. Nicaraguan adults and children are subjected to conditions of forced labor in agriculture, the informal sector, and domestic servitude within the country and in Costa Rica, Panama, and other countries in the region. Managua, Granada, Esteli, and San Juan del Sur are destinations for tourists from the United States, Canada, and Western Europe, some of whom engage in the commercial sexual exploitation of Nicaraguan children.

The Government of Nicaragua fully complies with the minimum standards for the elimination of trafficking. Nicaraguan authorities significantly strengthened law enforcement efforts over the year, particularly through increased prosecutions and convictions, including for forced labor. The government provided limited services for victims of trafficking—mostly for

female victims—and NGOs provided most specialized care. Authorities maintained public awareness efforts in partnership with civil society organizations. Prosecution, protection, and prevention efforts in the two Atlantic autonomous regions of Nicaragua continued to be much weaker than in the rest of the country.



**Recommendations for Nicaragua:** Ensure that victims identified within the country and repatriated Nicaraguan victims are referred to appropriate services; provide adequate funding for specialized services for trafficking victims, as well as for specialized anti-trafficking police units; increase training and resources for government officials to facilitate increased victim identification and assistance, particularly in the autonomous regions; institute clear, formal, and proactive procedures for identifying trafficking victims among vulnerable populations; strengthen law enforcement and victim protection efforts in the Atlantic autonomous regions, including through increased staff and funding; continue to investigate and prosecute all forms of human trafficking, and convict and punish trafficking offenders; partner with civil society organizations to ensure that victims receive long-term care and reintegration services; continue to strengthen mechanisms for interagency coordination and partnership with civil society organizations at the local level; continue to improve the management of statistical case data across agencies; further support all departmental and regional anti-trafficking coalitions; and raise awareness of all forms of human trafficking through increased public awareness efforts and campaigns.

## Prosecution

The Government of Nicaragua significantly strengthened law enforcement efforts during the year, including by convicting 35 trafficking offenders. While most investigations focused on sex trafficking, labor trafficking prosecutions and convictions increased greatly in 2012. Nicaragua criminalizes all forms of human trafficking through Article 182 of its penal code, prescribing penalties of seven to 12 years' imprisonment. In August 2012, reforms came into effect increasing penalties to 10 to 14 years' imprisonment and broadening the scope of offenses that can be prosecuted as human trafficking. A separate statute, Article 315, prohibits the submission, maintenance, or forced recruitment of another person into slavery, forced labor, servitude, or participation in an armed conflict; these offenses carry penalties of five to eight years' imprisonment. These prescribed punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities maintained anti-trafficking units in the capital within the intelligence and judicial police forces, as well as within the women's police commission. Additionally, there was a designated anti-trafficking unit in each of the country's 15 departments and two autonomous regions, and in each of the capital's 10 districts that was responsible for collaborating with the specialized units on investigations. A lack of resources hindered the specialized units' abilities to carry out investigations outside of the major

cities, particularly in remote parts of the autonomous regions. In particular, the lack of a prosecutor in the town of Waspam, on the Nicaraguan border with Honduras, was a debilitating factor in the prosecution of trafficking along the northern autonomous region's border. Prosecutors and police improved coordination on data collection by using a shared case log, leading to more uniform law enforcement statistics, though inconsistencies remained.

Police investigated 27 potential trafficking cases in 2012, including 10 labor trafficking cases, compared with 26 investigations in 2011, two of which were for labor trafficking. Judicial authorities prosecuted 57 accused trafficking offenders in 2012, compared with 32 individuals prosecuted in 2011. The government convicted 35 trafficking offenders during the reporting period, all but one under the human trafficking statute, and sentenced them to seven to 30 years' imprisonment. In comparison, during the previous reporting period, authorities reported 15 convictions. Notably, 18 traffickers were convicted of forced labor crimes in 2012, 13 of whom were also convicted of sex trafficking. Nicaraguan authorities collaborated with Guatemalan counterparts to investigate and prosecute two sex trafficking cases. There were no reported investigations, prosecutions, or convictions of government employees for their alleged complicity in trafficking-related offenses during the year. There were reports that some law enforcement and labor officials in the autonomous regions incorrectly categorized potential trafficking cases as home abandonment or labor infractions. The government increased efforts to train law enforcement, justice, consular, and labor officials on human trafficking, often in partnership with civil society organizations. For example, the anti-trafficking judicial police unit trained over 600 police officers.

## Protection

The Government of Nicaragua continued to provide some services to trafficking victims, but most specialized care was provided by civil society organizations, and long-term care and reintegration services remained limited. The government did not have formal procedures for identifying trafficking victims among high-risk populations, such as adults and children in prostitution, and victim identification in the autonomous regions continued to lag behind national efforts. Police and prosecutors reported identifying 50 potential trafficking victims in 2012, all of whom were Nicaraguan, but it is unclear how many of these victims received specialized services. The Ministry of Family identified 65 children in commercial sexual exploitation, all of whom were transferred to NGO shelters in Managua, as the government had no adequate facilities for these victims. During the reporting period, at least 25 adult women received services at a temporary open shelter managed by the women's police anti-trafficking unit. In 2012, the women's police in Jinotega opened a small shelter for victims of domestic violence that could also house trafficking victims. The regional departments most affected by human trafficking lacked adequate services. NGOs operated shelters for at-risk children and female adult victims of domestic abuse in Rio San Juan, Esteli, Rivas, Puerto Cabezas, and Managua. While the government did not provide funding to these NGOs, officials referred victims to them for assistance. Victims received legal support as well as limited medical and psychological assistance from the government, as well as education when appropriate, though longer-term care was minimal. Services and shelter for male victims remained limited.

The government encouraged victims to participate in trafficking investigations and prosecutions, though some were reluctant to do so due to social stigma and fear of retribution from trafficking offenders. Nicaraguan law allows for trafficking victims to provide documented testimony in advance of the trial, and during the year, some victims testified against trafficking offenders. There were no reports of victims being penalized for unlawful acts committed as a direct result of being subjected to human trafficking. Humanitarian visas are specifically available to foreign trafficking victims, but the government identified no foreign victims in Nicaragua during the year.

## Prevention

The Nicaraguan government sustained awareness efforts and maintained regional anti-trafficking working groups across the country during the reporting period. The government-run anti-trafficking coalition, which is composed of government and civil society actors, met on a bimonthly basis and was responsible for coordinating anti-trafficking efforts and implementing its strategic plan. The government continued to support regional anti-trafficking working groups in the country's 15 departments and two autonomous regions: these regional groups varied in effectiveness, and some were reportedly inactive. Different government entities coordinated with the coalition on awareness efforts and the women's police reported reaching over 29,000 Nicaraguans with general information on women's issues and human trafficking. Authorities reported prosecuting six individuals from Belgium, Canada, and the United States for child sex tourism offenses and achieving three convictions. The anti-trafficking coalition launched one awareness campaign against the sex trade, and the government reported no other initiatives to reduce demand for commercial sexual acts or for forced labor.

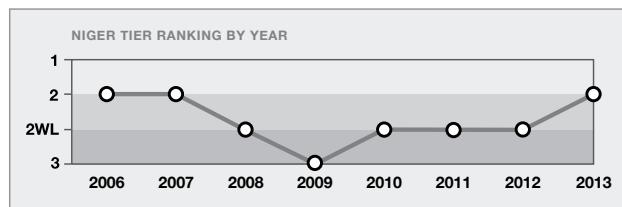
## NIGER (Tier 2)

Niger is a source, transit, and destination country for children, women, and men subjected to forced labor and sex trafficking. Caste-based slavery practices continue primarily in the northern part of the country. Nigerien boys are subjected to forced begging or forced labor within the country, as well as in Mali and Nigeria, by corrupt *marabouts* (religious instructors); these individuals, or other loosely organized clandestine networks, may also place Nigerien girls into domestic servitude or in the sex trade. Nigerien children are subjected to forced labor in gold mines, agriculture, and stone quarries within the country. Girls are subjected to prostitution along the border with Nigeria, particularly along the main highway between the towns of Birni N'Konni and Zinder. Nigerien girls reportedly enter into "marriages" with citizens of Nigeria and other foreign nationals living in Saudi Arabia and the United Arab Emirates, after which they are forced into domestic servitude upon arrival in these countries. In the Tahoua region of Niger, girls born into slavery are forced to marry men who buy them as "fifth wives" and subsequently subject them to forced labor and sexual servitude; their children are born into slave castes. Traditional chiefs play a primary role in this form of exploitation, either through enslaving children in their own families or arranging "marriages" for other powerful individuals. A small number of girls in forced marriages may be prostituted by their "husbands," and a larger number are exploited in the sex trade after fleeing their nominal marriages. Nigerien women and children are recruited from Niger and

transported to Nigeria, North Africa, the Middle East, and Europe where they are subsequently subjected to domestic servitude, sex trafficking, and forced labor in agriculture or animal herding.

Niger is a transit country for men, women, and children from Benin, Burkina Faso, Chad, Cameroon, Cote d'Ivoire, Gabon, Ghana, Liberia, Mali, Nigeria, and Togo migrating *en route* to Algeria, Libya, and Western Europe; some may be subjected to forced labor in Niger as domestic servants, mechanics, welders, laborers in mines and on farms, or as staff in bars and restaurants. NGOs reported that returnees from Libya and the approximately 50,000 refugees from Mali were likely at increased vulnerability to trafficking, but did not provide details on the forms of exploitation experienced by this population.

The Government of Niger does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Following two years of negligible action in implementing its 2010 anti-trafficking law, the government demonstrated significant progress in prosecuting and punishing trafficking offenders, obtaining 22 convictions of sex and labor traffickers. During the year, it also appointed staff to the National Commission for the Coordination of the Fight against Trafficking in Persons (CNLTP), making it fully operational to coordinate and implement the government's policies, as required by the 2010 law. The government took steps to address officials' lack of awareness of anti-trafficking laws and policies; the Ministry of Justice distributed copies of the law to prosecutors' offices throughout the country, and the CNLTP held a series of awareness-raising events for government officials and members of the public. The government, however, relied on NGOs to provide services to victims, and overall victim protection efforts were inadequate to address the needs of victims. Neither the government nor NGOs made sufficient efforts to identify and protect adult trafficking victims.



**Recommendations for Niger:** Vigorously prosecute and punish trafficking offenders, including those guilty of slavery offenses, using the anti-trafficking law; hand down adequate sentences for individuals convicted of committing trafficking offenses and enforce court judgments; train law enforcement and judicial officials throughout the country on the provisions of the anti-trafficking law in coordination with NGOs and international organizations; train law enforcement officials to identify trafficking victims proactively among vulnerable populations, such as women in prostitution, girls born into slave castes, and children at worksites, and to refer them to protective services; develop systematic procedures to refer identified victims to protective services and support NGO partners in providing victim care; increase the quantity and quality of services available to victims; increase efforts to rescue victims of traditional slavery practices and adult victims; initiate law enforcement investigations into suspected cases of local officials colluding with traffickers or accepting bribes

to obstruct criminal investigations of trafficking crimes, particularly traditional slavery; continue to include civil society representatives in anti-trafficking policy discussions and ensure they are given a platform to provide meaningful input to policymaking decisions; allocate adequate funding for the operation of the National Commission for the Coordination of the Fight against Trafficking in Persons; conduct labor inspections in the informal sector of the economy; and continue an initiative to raise public awareness about anti-trafficking law—specifically targeting vulnerable populations, religious leaders, and traditional chiefs—and encourage victims to exercise their rights under the law.

### **Prosecution**

The Government of Niger demonstrated notable progress in its anti-trafficking law enforcement efforts during the year. Order No. 2012-86 on Combating Trafficking in Persons, enacted in 2010, prohibits all forms of trafficking, including slavery and practices similar to slavery. This law prescribes punishments of five to 10 years' imprisonment for committing trafficking offenses against adults and 10 to 30 years' imprisonment when the victim is a child, penalties that are sufficiently stringent. Penalties for child trafficking are commensurate with those prescribed for other serious offenses, such as rape, but penalties prescribed for the trafficking of adults are not. The law defines slavery and practices similar to slavery and specifically prohibits exploitative begging. Other statutes prohibit certain forms of trafficking; the country's penal code prohibits slavery, procurement of a child for prostitution, and the encouragement of or profiting from child begging in Articles 270 (as amended in 2003), 292-293, and 181, respectively, and its new labor code enacted in September 2012 outlaws forced labor. The penal code's prescribed penalties of 10 to 30 years' imprisonment for slavery offenses are sufficiently stringent and reflect the serious nature of the crime. The penalties prescribed in the labor code for forced labor are also sufficiently stringent, but the law allows for the option of a fine in lieu of jail time, which does not reflect the serious nature of this crime.

Having taken initial steps towards making the 2010 anti-trafficking law operational at the close of the previous reporting period, the government has since implemented the law through the prosecution and punishment of trafficking offenders, investigating 30 suspected trafficking offenses, prosecuting 24 cases (19 involving sex trafficking and five involving labor trafficking), and convicting 22 trafficking offenders during the year, a significant increase from the two investigations and no prosecutions or convictions during the previous year. Thirteen convicted offenders were sentenced to two-year prison terms and nine offenders were sentenced to six months' probation. Two prosecutions remained ongoing at the close of the reporting period and four suspected traffickers were still under investigation. The government did not make progress in ending impunity for *marabouts* who force children to beg or traditional chiefs who facilitate the enslavement of children. The actions of two *marabouts* were investigated, but the Koranic teachers were ultimately released without charges being filed. Structural barriers impeded victims' access to justice, as they were often uninformed about their legal rights and lacked the necessary capacities and resources to seek punitive action against their exploiters. One slavery case dating from 2009 was reportedly brought to a judge in February 2013, but remained pending at the close of the reporting period. There were no reported developments in a 2010 case in which a man was accused of re-enslaving two former slaves. NGOs reported that

10 additional slavery prosecutions that have been ongoing for years remained pending, but no defendants have been detained. Awareness of the country's anti-trafficking laws remained low among officials outside Niamey, but the government undertook efforts to improve this during the year; the Ministry of Justice distributed copies of the 2010 anti-trafficking law to all prosecutors' offices throughout the country and issued official instructions to fully implement the law to prosecute violators. There were reports that local officials chose not to pursue slavery cases brought to their attention due to social or political connections of the alleged traffickers. There was no evidence of public officials' complicity in trafficking, though civil society representatives argued that judicial failure to focus adequately on slavery cases brought to their attention amounted to tacit complicity. The government did not report its investigation or prosecution of any public officials for alleged complicity in trafficking or trafficking-related criminal activities during the reporting period.

### **Protection**

The government increased its efforts to identify victims during the year, though overall victim protection efforts remained inadequate. Authorities did not develop or employ systematic measures to identify trafficking victims among vulnerable populations, such as women and girls born into traditional slave castes or children at worksites, and there were no formal procedures to guide officials in referring identified victims to protective services. The government provided medical assistance and temporary shelter in social service facilities to a small number of child victims and referred others on an *ad hoc* basis to local NGOs for care. The government relied almost exclusively on NGOs and international organizations to provide services to victims, though NGOs' capacity to provide shelter or long-term services to victims was inadequate; their primary role was often to facilitate repatriation or family reunification of victims. There were no specialized services available in Niger for adult victims or victims of hereditary slavery. In one case, in which an NGO mediated the release of 14 slaves, the government reported it undertook efforts to prevent re-trafficking after the victims were returned to their families, but did not describe the nature of these efforts. Victims were often forced to return to their villages after a few months if NGO resources ran out, and some children spent the night in police stations when shelter space was not available.

The government identified 183 child trafficking victims during the year and NGOs identified an additional 395 child trafficking victims; the total number of victims identified, 578, is an increase from the 490 victims identified during the previous year, and the government played a larger role in these efforts than it had in the past. The regional government of Agadez continued to operate a committee comprised of police and local officials to assist in returning Nigerien migrants deported from North Africa to their communities of origin, though it did not make efforts to identify trafficking victims among this population. The 2010 anti-trafficking law includes provisions to ensure victims would be safe upon return to their countries of origin and provides for the possibility of granting victims legal status in Niger, including the ability to obtain employment. The government reported that adult victims would be encouraged to assist in the investigation and prosecution of trafficking cases, though no such victims were identified during the year. Victims of forced labor and caste-based servitude were able to file civil and criminal complaints simultaneously; although legal aid for victims was

limited, NGOs helped victims file complaints in slavery cases. Victims' lack of awareness of the legal options available to them, fears of retaliation by traffickers, and lack of adequate shelter and protective services impeded efforts to obtain their participation in investigations and prosecutions. There were no reports that identified victims were detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked; however, the government did not make adequate efforts to identify trafficking victims, which may have led to some victims being treated as criminals. Front-line officials did not receive training in identifying victims and referring them to protective services, and border guards often denied entry to suspected traffickers and victims rather than attempting to rescue victims and place them in protective care.

### **Prevention**

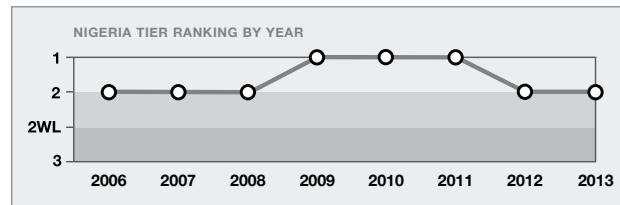
The Government of Niger increased its efforts to prevent human trafficking during the year. It appointed staff—including representatives from civil society—to the CNLTP, making it operational as the coordinating body for the government's anti-trafficking efforts. Senior officials increasingly recognized publicly the problem of human trafficking and Niger's policies to combat it; for example, in January 2013, the Minister of Justice chaired a seminar for 200 participants from government, civil society, and the community to raise awareness about laws prohibiting slavery and additional outreach meetings were held in the country's nine district courts and the tribunal of Niamey in March 2013. The Ministry of Justice allocated the equivalent of approximately \$32,000 to fund three workshops held by the CNLTP in December 2012 and March 2013 to train 695 law enforcement officials, community leaders, and civil society on the provisions of the country's anti-trafficking law and policies. The government took no discernible measures to address the demand for forced labor or commercial sex acts. Bylaws governing Niger's armed forces require troops to receive anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though there is no evidence the government implemented such training during the reporting period.

## **NIGERIA (Tier 2)**

Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficked Nigerians are recruited from rural and, to a lesser extent, urban areas within the country; women and girls for domestic servitude and sex trafficking, and boys for forced labor in street vending, domestic service, mining, stone quarrying, agriculture, and begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, as well as to South Africa, where they are exploited for the same purposes. Children from West African countries – primarily Benin, Ghana, and Togo – are forced to work in Nigeria, and many are subjected to hazardous labor in Nigeria's granite mines. Nigerian women and girls – primarily from Benin City in Edo State – are subjected to forced prostitution in Italy, while Nigerian women and girls from other states are subjected to forced prostitution in Spain, Scotland, the Netherlands, Germany, Turkey, Belgium, Denmark, Finland, France, Sweden, Switzerland, Norway, Ireland, Slovakia, the Czech Republic, Greece, and Russia. Nigerian women and children are also recruited and transported to destinations in North Africa, the Middle East, and Central Asia, where they are held captive in

the sex trade or in forced labor. Nigerian women are trafficked to Malaysia, where they are forced into prostitution and to work as drug mules for their traffickers. Nigerian traffickers rely on threats of voodoo curses to control Nigerian victims and force them into situations of prostitution or labor. Nigerian gangs traffic large numbers of Nigerian women into forced prostitution in the Czech Republic and Italy, and the European Police Organization (EUROPOL) has identified Nigerian organized crime related to trafficking in persons as one of the largest law enforcement challenges to European governments.

The Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking, but is making significant efforts to do so. During the reporting period, the government demonstrated a modest increase in anti-trafficking law enforcement efforts through the conviction of 25 traffickers and the provision of specialized anti-trafficking training to officials by various government ministries and agencies. The National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP) received a slight increase in funding in 2012. Despite these efforts, the government has yet to pass draft legislation that would restrict the ability of judges to offer fines in lieu of prison time during sentencing and the Nigerian Police Force (NPF) continued to experience difficulty identifying trafficking victims. The Ministry of Labor did not make any new efforts to address labor trafficking during the reporting period.



**Recommendations for Nigeria:** Ensure that the activities of NAPTIP receive sufficient funding, particularly for prosecuting trafficking offenders and providing adequate care for victims; vigorously pursue trafficking investigations and prosecutions of trafficking offenses, and impose adequate sentences on convicted trafficking offenders, including imprisonment whenever appropriate; take proactive measures to investigate and prosecute government officials suspected of trafficking-related corruption and complicity in trafficking offenses; train police and immigration officials to identify trafficking victims among vulnerable populations, such as women in prostitution and young females traveling with non-family members; fully integrate counter-trafficking responsibilities into the work of the NPF and the Ministry of Labor; develop a formal system to track the number of victims repatriated from abroad, and upon repatriation ensure they are aware of available protective services; and ensure NAPTIP productively interacts with and receives support from other government agencies that have a stake in addressing human trafficking.

### **Prosecution**

The Government of Nigeria demonstrated modest progress in its anti-trafficking law enforcement efforts during the year. The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in 2005 to increase the penalties for trafficking offenders, prohibits all forms of human trafficking. The law prescribes penalties of five years' imprisonment or a fine not to exceed the equivalent of approximately \$645 or both for labor

trafficking offenses; these are sufficiently stringent, but the law allows convicted offenders to pay a fine in lieu of prison time for labor trafficking or attempted trafficking offenses, resulting in penalties not proportionate to the crimes committed. The law prescribes penalties of 10 to 15 years' imprisonment for sex trafficking offenses and a fine of the equivalent of approximately \$1,250, or both. For sentences that include only a fine, penalties are not sufficiently stringent. In 2011, NAPPTIP introduced amendments to the anti-trafficking law, which would give prosecutors more authority and restrict the ability of judges to offer fines in lieu of prison time during sentencing; this amendment was awaiting approval by the National Assembly at the end of the reporting period.

The government reported that NAPPTIP initiated 117 trafficking investigations, commenced at least 17 prosecutions, and achieved 25 convictions during the reporting period. Another 143 prosecutions remained pending at the end of 2012. There was a significant decrease in the number of investigations from the previous reporting period's 279 investigations, but this is likely due to the fact that law enforcement officials are now better trained to identify trafficking cases and are not mistakenly referring numerous non-trafficking crimes to NAPPTIP for investigation. All prosecutions occurred under the 2003 Trafficking Act, and sentences upon conviction ranged from three months' to 18 years' imprisonment. Of the 25 convictions, 17 resulted in prison sentences without the option of paying a fine. The NPF reportedly also investigated and prosecuted human trafficking offenses; data regarding these cases was unavailable. The government also collaborated with law enforcement agencies from the Netherlands, the United Kingdom, Malaysia, Austria, and Taiwan on investigations involving Nigerian nationals during the reporting period. Three of the pending prosecutions involve government officials alleged to have committed child labor trafficking offences.

The government conducted extensive training sessions throughout the reporting period. NAPPTIP, collaborating with foreign governments and international organizations, provided specialized training to approximately 465 government actors, including officials from NAPPTIP, the Nigerian Police Force, the Nigerian Immigration Service, the Nigeria Security and Civil Defense Corps, the Department of State Services, and the Ministry of Foreign Affairs, as well as judges, prosecutors, and border patrol officers. These programs focused on border control procedures, obtaining and processing digital evidence, identification and investigation of trafficking cases, criminal intelligence, gender-based violence, prosecution of trafficking crimes, counseling of victims, and migration policy. Despite these efforts, however, high levels of training remained difficult to maintain, as police officers within the NPF were frequently rotated to different positions and many never receive anti-trafficking training.

## **Protection**

The Government of Nigeria made slightly increased efforts to protect trafficking victims during the year. The government and NGOs identified 480 trafficking victims within the country, including 303 victims of sex trafficking and 177 victims of labor trafficking. Another 92 individuals were identified as victims of trafficking-related crimes. All victims identified by NAPPTIP received initial screening and assistance by NAPPTIP, after which 250 victims were referred to government-run care facilities for further medical care, vocational training, education, and shelter. In 2012, the Government of Nigeria allocated

the equivalent of approximately \$11.9 million to NAPPTIP, a slight increase from the 2011 budget, and an additional equivalent of approximately \$160,000 to help evacuate Nigerian victims of trafficking who were stranded in Cote d'Ivoire. State governments also contributed the equivalent of approximately \$15,900 in additional funds to support NAPPTIP efforts during the reporting period.

In 2012, NAPPTIP continued to operate eight shelters with a total capacity of 293 victims, an increase in capacity from 2011. Through these shelters, NAPPTIP provided access to legal, medical, and psychological services, as well as vocational training, trade and financial empowerment, and business management skills. Victims who required additional medical and psychological treatment were provided services by hospitals and clinics through existing agreements with NAPPTIP. While all shelter staff received basic training in victim care, NAPPTIP funded additional specialized training for 50 counselors during the reporting period that was conducted by a local university and UNODC. The NAPPTIP shelters offered short-term care, generally limiting victims' stays to six weeks, though victims were allowed to extend their stays under special circumstances. If victims needed longer-term care, they could be referred to two shelters operated by the Ministry of Women's Affairs in Kano and Benin City; during the reporting period, NAPPTIP referred 20 victims to these two shelters. Additionally, NAPPTIP collaborated with NGO-run shelters, which also provided longer-term care. Victims in NAPPTIP shelters were not allowed to leave unless accompanied by a chaperone. NAPPTIP paid a monthly stipend of the equivalent of approximately \$2,900 to a local NGO-run shelter and provided limited funding, in-kind donations, and services to NGOs and other organizations that afforded protective services to trafficking victims. On occasion, state and local governments also provided in-kind assistance through training and technical support to NGOs. Overall, NAPPTIP spent roughly one-fifth of its operational budget, or the equivalent of approximately \$666,000, on victim protection and assistance during 2012.

The government has formal written procedures to guide law enforcement, immigration, and social services personnel in proactive identification of victims of trafficking among high-risk populations. Additionally, police, immigration, and social services personnel received specialized training on how to identify victims of trafficking and direct them to NAPPTIP. Although NAPPTIP has yet to establish an official national referral mechanism, authorities continued to utilize an informal referral process whereby the police, immigration, and NGOs could transport suspected victims to NAPPTIP. Additionally, in May 2012, NAPPTIP signed a memorandum of understanding with the Network of Civil Society Organizations Against Child Trafficking, whose membership includes the vast majority of anti-trafficking NGOs and international organizations working on the issue within Nigeria. Despite the growing number of Nigerian trafficking victims identified abroad, the government has yet to implement formal procedures for the return and reintegration of Nigerian victims; consequently, many victims are not afforded adequate care upon their return to Nigeria. This is of particular concern, as some European countries deny Nigerian victims' attempts to seek asylum or access to European victim programs on the basis of the perceived availability of adequate victim services in Nigeria.

Per provisions of the 2003 Trafficking in Persons Law Enforcement and Administration Act, Nigerian authorities ensured that trafficking victims were not penalized for unlawful

acts committed as a result of their being trafficked. On occasion, authorities initially detained individuals involved in prostitution or other unlawful acts before they were identified as trafficking victims. Once identified, NAPTI worked with security services to remove victims from custody and provide them care. Officials encouraged victims to assist in the investigation and prosecution of trafficking cases, and NAPTI reported that 26 victims served as witnesses or gave evidence during trial in 2012. All victims were eligible to receive funds from the victims' trust fund, which was financed primarily through confiscated assets of convicted traffickers. During the reporting period the equivalent of approximately \$22,000 was disbursed to 10 victims for purposes ranging from medical costs to school tuition, although not necessarily in equal amounts. The government provided a limited legal alternative – short term-residency that could not be extended – to the removal of foreign victims to countries where they may face hardship or retribution.

### **Prevention**

The Government of Nigeria sustained modest efforts to prevent human trafficking through campaigns to raise awareness and educate the public about the dangers of trafficking. NAPTI's Public Enlightenment Unit continued to conduct extensive national and local programming through radio and print media in all regions of the country to raise awareness about trafficking, including warning about fraudulent recruitment for jobs abroad. The objective of these and several related programs was to sensitize vulnerable people, sharpen public awareness of trends and schemes traffickers use to lure victims, warn parents, and encourage community members to participate in efforts to prevent trafficking. NAPTI also carried out advocacy visits with community leaders, opinion leaders, traditional and religious leaders, and government officials at both the local and national levels. Each of NAPTI's six zonal offices also completed their own awareness and education campaigns, including constructing outdoor billboards throughout the country.

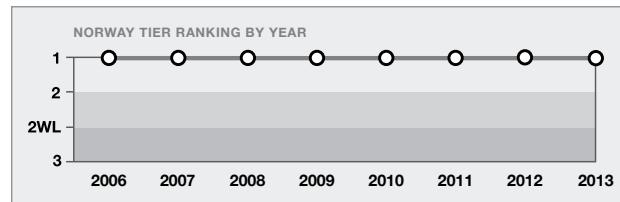
During the reporting period, the Government of Nigeria demonstrated a commitment to increased coordination between NAPTI and various relevant ministries, primarily through improved referral mechanisms and training efforts. NAPTI also developed a new five-year strategic plan on the coordination of anti-trafficking efforts for 2012-2017 and held stakeholders' workshops to begin implementation of the plan. The Ministry of Labor took no additional steps to address labor trafficking nor to decrease the demand for forced labor. In an attempt to reduce the demand for commercial sex in Abuja, the Minister of the Federal Capital Territory declared that soliciting prostitution is illegal; the government made no other discernible efforts to decrease the demand for commercial sex acts. NAPTI officials assisted other West African governments with their anti-trafficking efforts, including providing training to officials employed by The Gambia's recently established National Agency Against Trafficking in Persons from May 29-June 4, 2012. The government, with foreign donor support, provided anti-trafficking training to Nigerian troops prior to their deployment abroad on international peacekeeping missions.

## **NORWAY (Tier 1)**

Norway is a destination and, to a lesser extent, a transit and source country for women and girls subjected to sex trafficking

and for men and women subjected to forced labor in domestic service, in nursing, and construction sectors. Children are subjected to forced begging and forced criminal activity, such as shoplifting and drug sales. Most trafficking victims identified in Norway originated in Nigeria, while others came from Eastern Europe (Belarus, Bulgaria, Lithuania, and Romania) and Africa (Cameroon, the Democratic Republic of Congo, Eritrea, Ghana, Kenya). These victims usually travel to Norway on Schengen visas issued by other European countries, and transit through several countries, such as Italy, Spain, and Morocco. African trafficking offenders often coerce victims into prostitution through threats to family at home and threats of voodoo. Traffickers from Eastern Europe are typically members of small family mafias; offenders seduce young women in their home countries and convince them to come to Norway, where they are forced into prostitution. Some foreign *au pairs*, including those from the Philippines, are vulnerable to trafficking in Norway.

The Government of Norway fully complies with the minimum standards for the elimination of trafficking. The Norwegian government has adopted a victim-centered approach, offering generous and diverse victim services through specialized NGOs and local governments. Norwegian law obligates municipalities to offer trafficking victims shelter, regardless of residence status and the victim's willingness to testify in court. In 2012, authorities investigated and prosecuted more labor trafficking cases, although prosecutions for sex trafficking offenses continued to decline. Government-funded NGOs opened more shelter facilities for male victims, but specialized care for children remained deficient. The government studied the vulnerability of *au pairs* to trafficking and created a new telephone counseling service.



**Recommendations for Norway:** Continue efforts to vigorously prosecute and convict both sex and labor trafficking offenders; investigate why few labor trafficking investigations result in prosecutions; ensure that child victims of trafficking receive specialized care; ensure that male trafficking victims receive adequate shelter and that all governmental anti-trafficking efforts are structured to address male as well as female victims of trafficking; ensure that front-line responders understand and offer a reflection period to identified victims, during which victims can receive services and recover from their trauma; consider options for the provision of longer-term victim assistance in non-emergency shelters; and fund a national or targeted anti-trafficking awareness campaign.

### **Prosecution**

The Norwegian government demonstrated some progress in its law enforcement efforts during the reporting period through increased investigations and prosecutions for labor trafficking, though sex trafficking prosecutions continued to decrease. Norway prohibits all forms of trafficking in persons through Criminal Code Section 224, which prescribes a maximum penalty of 10 years' imprisonment, which is

sufficiently stringent and commensurate with punishments prescribed for other serious offenses, such as rape. Norwegian authorities initiated 26 sex trafficking investigations and 22 labor trafficking investigations in 2012, compared with 32 sex trafficking and 12 labor trafficking investigations initiated in 2011. The government prosecuted a total of at least eight trafficking suspects—two for sex trafficking and six for labor trafficking—under Section 224 in 2012, compared with six sex trafficking suspects and one labor trafficking suspect in 2011. Authorities convicted at least seven trafficking offenders—three for sex trafficking and four for labor trafficking—in 2012, compared with seven offenders convicted in 2011; all of the convicted traffickers received jail sentences. In January 2013, the Supreme Court upheld the sentences of two traffickers who had received sentences of four and a half and five years' imprisonment for forcing children into criminal activity.

The cities of Bergen, Ostfold, Oslo, and Trondheim maintained specialized anti-trafficking units in their police forces. In April 2012, the Ministry of Justice sponsored a national seminar for 125 police officers and prosecutors on Norway's trafficking situation and techniques to detect, investigate, and prevent trafficking. Experts reported that some prosecutors interpreted anti-trafficking laws too narrowly and, as a result, did not always apply trafficking charges when needed. The government continued to provide new police officers with training on identifying and assisting trafficking victims, as well as periodic in-service training to all police officers on the referral processes. The government also supplied the police with "action cards" that detail the procedures when encountering a trafficking victim. Norwegian authorities collaborated with counterparts in several other European countries to investigate transnational trafficking cases, including Moldova and Sweden. The Norwegian government did not report the investigation or prosecution of any public officials for trafficking-related complicity.

## Protection

The Government of Norway demonstrated strong victim protection efforts during the reporting period through sustained funding and increased services to male victims, although specialized care for children remained deficient. The Norwegian government provided protection to trafficking victims through government-funded NGOs, church associations, and municipalities. These NGOs offered both foreign and domestic victims a generous range of assistance, including shelter, legal aid, stipends for food, psychological care, medical assistance, fitness facilities, and Norwegian language classes. An NGO specializing in caring for trafficking victims who have received a reflection period offered vocational programs, education, and sponsored internships for victims who had completed a reflection period. Although some of the specialized NGOs primarily offered services to women, a few programs opened new facilities, including apartments, for men. By law, Norwegian municipalities were obligated to offer trafficking victims shelter, regardless of their immigration status. One of the main government-funded institutions for trafficking victim care received 146 contacts from trafficking victims in 2012, in contrast to 128 contacts in 2011. Sixteen of these initial contacts were men. Of these 146 initial contacts, 42 women or girl trafficking victims ultimately were housed by the victim care institution. According to the Rosa Center, there were no shelters to assist men or boy trafficking victims. The primary government-funded project received the equivalent of approximately \$440,000 in funding for trafficking victim care;

this sum does not include the costs for most of the aid given to victims by municipalities—including free medical care—or the financial allocations to other NGO anti-trafficking projects. In 2012, the Norwegian government reported identifying and providing services for 274 trafficking victims, including 191 women, 18 men, and 65 children, compared with 272 trafficking victims assisted in 2011. NGOs reported fairly extensive coordination efforts with the government on victim assistance. The government's Child Welfare Services assisted children directly. In 2012, the government passed the Child Welfare Act, which enabled authorities to place children, who are assumed victims of trafficking, in an institution without their consent for a period of up to six months. However, observers reported that some child welfare staff members were not adequately aware of human trafficking or of how to assist child victims of trafficking.

The Norwegian government permitted trafficking victims to stay in Norway without conditions during a six-month reflection period, a time for them to receive immediate care and assistance while they consider whether to assist law enforcement with a trafficking investigation and prosecution. The government also offered a permanent residency permit for victims facing retribution or hardship in their countries of origin, on the condition that they give statements to the police outside of court. Any victim of trafficking—regardless of potential retribution or hardship at home—who made a formal complaint to the police, could remain in Norway for the duration of court proceedings; victims who testified in court were entitled to permanent residency. In 2012, Norwegian authorities issued 51 temporary residence permits to trafficking victims and granted asylum to 18 trafficking victims. At least four victims testified in human trafficking cases in court. NGOs reported that several trafficking victims received restitution in 2012. NGOs did not report the detention or punishment of any identified trafficking victims, but some potential victims may have been punished for document forgery.

## Prevention

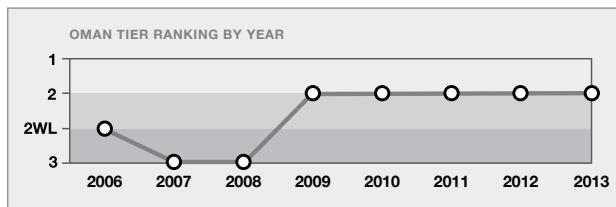
The Norwegian government sustained its trafficking prevention efforts during the reporting period. It framed many of its anti-trafficking prevention efforts in terms of preventing trafficking from source countries. The Norwegian government continued to be a leading international anti-trafficking donor, significantly supporting victim care throughout the world, including in Bangladesh, Indonesia, Kazakhstan, Kenya, Malawi, Mozambique, Nigeria, South Africa, and Thailand. The government did not fund any broad-based national trafficking awareness campaigns targeting labor or sex trafficking. The Ministry of Justice did not report any cases of authorities punishing labor recruiters involved in the recruitment of workers through knowingly fraudulent offers of employment. The national coordinator enhanced transparency of the government's anti-trafficking efforts by publishing statistical reports on them. In 2012, the government evaluated the Norwegian *au pair* system and in January 2013, it created a telephone counseling service for *au pairs* in case they experience problems, including exploitative employers. The government undertook steps to reduce the demand for commercial sex acts. The Norwegian national criminal investigation service monitored the travel of Norwegian nationals to known child sex tourism destinations. The government provided anti-trafficking training to Norwegian troops prior to their deployment abroad on international peacekeeping missions.

## OMAN (Tier 2)

Oman is a destination and transit country for men and women, primarily from India, Pakistan, Bangladesh, Sri Lanka, the Philippines, and Indonesia, who are sometimes subjected to conditions indicative of forced labor and, to a lesser extent, forced prostitution. Most migrants travel willingly and legally to Oman with the expectation of employment in domestic service or as low-skilled workers in the country's construction, agriculture, or service sectors. Some subsequently face conditions indicative of forced labor, such as the withholding of passports and other restrictions on movement, nonpayment of wages, long working hours without food or rest, threats, and physical or sexual abuse. Government sources note that runaway domestic workers are also susceptible to forced prostitution. Unscrupulous labor recruitment agencies and their sub-agents in migrants' original communities in South Asia, as well as labor brokers in the United Arab Emirates (UAE), Oman, and Iran, may deceive workers into accepting work that constitutes forced labor. Many of these agencies provide false contracts for employment either with fictitious employers or fictitious wages, and charge workers high recruitment fees (often in an amount exceeding the equivalent of approximately \$1,000) at usurious rates of interest, leaving workers vulnerable to trafficking.

Oman is also a destination and transit country for women from China, India, Morocco, Eastern Europe, Uganda, Kenya, and parts of South Asia who may be forced into commercial sexual exploitation, generally by nationals of their own countries. The majority of women identified as sex trafficking victims in the reporting period were of Asian descent, primarily from Indonesia and India, as well as North Africa; identified victims in the previous year included women from countries in East Africa, namely Ethiopia, Somalia, Kenya, Uganda, and Burundi. Women working in Oman as domestic workers from Ethiopia, Nepal, and Vietnam—countries without diplomatic presence in Oman—are especially vulnerable to domestic servitude. Male Pakistani laborers and other workers from India, Bangladesh, Sri Lanka, and East Asia transit Oman *en route* to the UAE; some of these migrant workers are exploited in situations of forced labor upon reaching their destination.

The Government of Oman does not fully comply with the minimum standards for the elimination of trafficking; however, it is making efforts to do so. Over the last year, the government prosecuted and convicted sex trafficking offenders, but it did not investigate or prosecute any suspected labor trafficking offenders. The government continued to assist victims of trafficking at a government-run shelter for trafficking victims, though the facility remained underused. The government identified and referred two victims to the shelter, which was a significant decrease from the number of victims identified during the previous reporting period. Omani authorities continued to lack formal procedures to proactively identify trafficking victims among those detained for immigration violations or prostitution charges. As a result, the government may not have adequately identified victims of forced labor or sex trafficking nor punished the trafficking offenders.



**Recommendations for Oman:** Vigorously investigate and prosecute trafficking offenses and sentence convicted traffickers to imprisonment; make greater efforts to investigate and prosecute forced labor offenses, including those perpetrated by recruitment agents and employers; ensure that victims of trafficking are not punished for acts committed as a direct result of being subjected to human trafficking; institute formal procedures for identifying trafficking victims among all vulnerable populations, such as migrant workers and people in prostitution; refer all suspected victims of trafficking, including victims of both forced labor and forced prostitution, to a shelter, regardless of whether there is a corresponding prosecution of an alleged offender; as a measure to prevent labor trafficking, enact and enforce strict penalties for employers who withhold their employees' passports; increase and enforce legal protections for domestic workers, including coverage under Oman's labor laws; continue training government officials in all relevant departments to recognize and respond appropriately to human trafficking crimes; and increase public awareness campaigns or other prevention programs to reduce the demand for forced labor and commercial sex acts.

### Prosecution

The Government of Oman made no discernible progress in its anti-trafficking law enforcement efforts during the reporting period as the number of investigations, prosecutions, and convictions of trafficking offenders significantly decreased. Through its Royal Decree No. 126/2008, also known as the Law Combating Trafficking in Persons, issued in 2008, the Omani government prohibits all forms of trafficking and prescribes punishments of three to 15 years' imprisonment, in addition to financial penalties, for trafficking crimes. These punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. A Ministry of Manpower circular (No. 2/2006) prohibits employers from withholding migrant workers' passports, a practice widespread among employers in Oman, including government officials, that is known to contribute to forced labor. The circular does not specify penalties for noncompliance; the government did not report any investigations or other actions using this circular during the reporting period. The government reported investigating five cases of sex trafficking. The government reported prosecuting 15 sex trafficking offenders and convicted two sex trafficking offenders in this reporting period; however, it failed to prosecute or convict any forced labor offenders. As part of these court cases, however, the government also prosecuted three trafficking victims and convicted two of them for immigration offenses. Also, the government often failed to investigate reported abuses of domestic workers due, in part, to their status outside the Omani labor law. The government did not report investigating or punishing government employees for alleged complicity in trafficking-related offenses during the reporting period. All Royal Oman police cadets received training on how to recognize trafficking in persons during

the reporting period. The National Committee for Combating Human Trafficking also conducted an anti-trafficking training in May 2012 for prosecutors, judges, and law enforcement officials.

### **Protection**

The government's efforts to identify and protect victims of trafficking remained weak during the reporting period. The government continued to lack formal procedures to proactively identify victims of trafficking among all vulnerable groups, including migrants detained for immigration violations and women in prostitution. During the reporting period, the Public Prosecution—the only entity that can refer victims to the government shelter and only if it determines the case against the alleged offender will go to trial—identified and referred only two identified victims of sex trafficking to the shelter. This is a significant decrease from the 14 victims the Public Prosecution referred last year. As in previous years, the government identified and referred no labor trafficking or child trafficking victims to the government care facility for assistance. The Royal Oman Police continued to operate and fund a permanent shelter that could accommodate up to 50 men, women, and children who were victims of forced labor or sex trafficking. Victims in this shelter could not leave the premises unchaperoned, but they could reportedly readily access shelter employees to accompany them offsite. The shelter is able to provide social, psychological, legal, and medical services at no cost to victims. The shelter remained underused due to the strict government entry requirements; most trafficking victims in Oman sought care in shelters run by the embassies of their home countries.

Due to a lack of comprehensive victim identification and protection procedures, the government failed to ensure that migrant workers subjected to forced labor or sex trafficking were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to human trafficking. In this reporting period, three identified victims of sex trafficking were prosecuted and two were convicted for acts committed as a result of being trafficked, including having outdated residency permits; in at least one case, a trafficker and a trafficking victim were both charged in the same case. Furthermore, the government failed to provide protection services to these identified victims. In years prior to this reporting period, the government claimed to have encouraged suspected foreign trafficking victims to assist in investigations and prosecutions regarding their cases, though it did not provide foreign victims with a legal alternative to removal to countries in which they may face retribution or hardship. The government also did not provide information on the number of victims who assisted in trafficking investigations or prosecutions in this reporting period. Victims were permitted to stay in Oman on a case-by-case basis but were not permitted to work while awaiting court proceedings.

### **Prevention**

The government sustained modest efforts to prevent human trafficking during the reporting period. The government published brochures in numerous languages, highlighting the rights and services to which workers are legally entitled; however, it did not conduct an anti-trafficking public awareness campaign during this reporting period. The government did not report conducting investigations or imposing fines under

Royal Decree 113/2011, which requires employers to pay all wages by electronic deposit to the employee's local bank account. The Ministry of Manpower implemented an annual inspection plan in 2012 under which the ministry undertook field visits to 1,913 facilities to ensure that businesses and employers adhered to the Omani labor law and to investigate complaints of labor violations; the government did not report if these visits resulted in the identification of forced labor victims. The government required that all employers post labor law regulations in the languages of their workers in prominent locations at worksites. There were no reported efforts by the government to reduce the demand for commercial sex acts or forced labor in Oman.

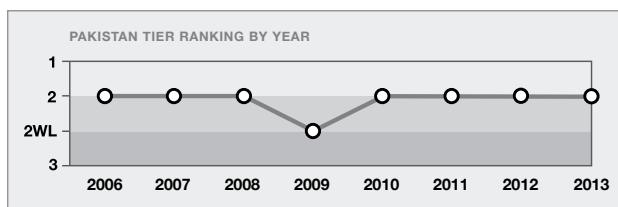
## **PAKISTAN (Tier 2)**

Pakistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking, with a large percentage of trafficking occurring within the country. Trafficking, particularly of children, remains elevated due to effects from natural disasters, a weak economy, and deteriorating security and rule of law. The country's largest human trafficking problem is bonded labor, in which traffickers or recruiters exploit an initial debt assumed by a worker as part of the terms of employment, which sometimes persist through generations. Bonded labor is concentrated in the Sindh and Punjab provinces, but also takes place in the Balochistan and Khyber Pakhtunkhwa provinces, in agriculture and brick-making and to a lesser extent in the mining, carpet-making, and fishing industries. In some cases, when bonded laborers attempt to escape or seek legal redress, police return them to the landowners and brick kiln owners who then hold laborers and their families, including children, in chains in private jails. Boys and girls as young as five years old are bought, sold, rented, or kidnapped and placed in organized begging rings, domestic servitude, small shops and factories, and prostitution, according to child rights experts; NGOs report that boys are particularly vulnerable to sex trafficking, particularly around hotels, truck stops, bus stations, and shrines. Illegal labor agents charge high recruitment fees to parents for giving work to their children, who are subsequently subjected to forced labor and sometimes forced into prostitution. Trafficking experts describe a structured system for forcing women and girls into prostitution, including the presence of physical markets in which victims are offered for sale. Women and girls are also sold into forced marriages; in some cases their new "husbands" move them across Pakistan's land borders and force them into prostitution in Iran or Afghanistan, and in other cases, sometimes organized by extra-judicial courts, the transaction is used to settle debts or disputes. Non-state militant groups kidnap children or coerce parents into giving away children as young as nine with fraudulent promises or threats and then force the children to spy, fight, or die as suicide bombers in Pakistan and Afghanistan. These militants often sexually and physically abuse the children and use psychological coercion to convince the children that the acts the children commit are justified.

Many Pakistani women and men migrate voluntarily to the Gulf states, Iran, Turkey, South Africa, Uganda, Maldives, Greece, and other European countries for low-skilled employment such as domestic work, driving, or construction work; once abroad, some become victims of labor trafficking. False job

offers and high recruitment fees charged by illegal labor agents or sub-agents of licensed Pakistani overseas employment promoters increase Pakistani laborers' vulnerabilities to debt bondage. Pakistani workers abroad face restrictions on movement, nonpayment of wages, threats, and physical and sexual abuse. Traffickers use violence, psychological coercion, and isolation, often seizing travel and identification documents as a means to coerce Pakistani women and girls into prostitution. There are reports of child sex trafficking between Iran and Pakistan, and of Pakistani children and adults with disabilities who are forced to beg in Iran. Pakistan is a destination for men, women, and children from Afghanistan, Iran, and, to a lesser extent, Bangladesh, who are subjected to forced labor and prostitution. Afghan refugees and religious and ethnic minorities are particularly vulnerable to human trafficking. In 2012, six Pakistani victims were subjected to human trafficking in Malawi.

The Government of Pakistan does not fully comply with the minimum standards for the elimination of human trafficking; however, it is making significant efforts to do so. Despite these measures, the government still showed insufficient political will and capacity to address trafficking fully, as evidenced by ineffective law enforcement measures, the punishment of trafficking victims, and limited efforts in trafficking prevention. Government officials' complicity in human trafficking was a persistent, serious problem.



**Recommendations for Pakistan:** Vigorously investigate and prosecute suspected human trafficking offenders, respecting due process, as well as government officials suspected of complicity in trafficking; in partnership with international organizations, develop an anti-trafficking law that prohibits and penalizes all forms of human trafficking; in partnership with civil society groups, work to identify trafficking victims among vulnerable populations, including street children, people in prostitution, Afghan refugees, and laborers in brick kilns and agriculture; work to ensure that trafficking victims are not penalized for acts committed as a result of being trafficked; clearly distinguish between human trafficking and human smuggling in trainings, policies, and programs; strengthen the capacity of provincial governments to address human trafficking, including bonded labor, through training, raising awareness, providing funding, and encouraging the adoption of provincial-level anti-trafficking action plans; undertake awareness campaigns on human trafficking in local languages, targeted to parents who sell their children, particularly in the Punjab province; improve efforts to collect, analyze, and accurately report counter-trafficking data; and accede to the UN TIP Protocol.

## Prosecution

The Government of Pakistan continued to prosecute human trafficking offenses over the last year. The government does not prohibit and penalize all forms of trafficking. Several sections in the penal code criminalize some forms of human

trafficking, such as slavery, selling a child for prostitution, and unlawful compulsory labor, prescribing punishments for these offenses that range from fines to life imprisonment. Transnational trafficking in persons offenses, as well as some non-trafficking crimes—such as people smuggling and fraudulent adoption—are prohibited through the Prevention and Control of Human Trafficking Ordinance, 2002 (PACTO), which prescribes penalties of seven to 14 years' imprisonment. Prescribed penalties for the penal code and PACTO offenses are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Bonded Labor System (Abolition) Act (BLSA) prohibits bonded labor, with prescribed penalties ranging from two to five years' imprisonment, a fine, or both. Pakistani officials have yet to secure a conviction under this law. Under the devolution process that started in 2010, federal laws apply to provinces until corresponding provincial laws are enacted; as of the reporting period, only Punjab has adopted such a law.

The government did not report disaggregated data on trafficking convictions under the penal code. It is unclear how many traffickers were prosecuted during the reporting period, because the government's data does not reflect the number of prosecutions; instead, it reports how many prosecutions were brought under each provision of the penal code, without indicating whether specific cases were prosecuted under several provisions. The government reported that penal code provisions were used approximately 80 times to prosecute trafficking cases from April 2012 to March 2013, compared with 55 times in 2011. Government officials continued to conflate human smuggling and human trafficking, and the Federal Investigative Agency's (FIA) anti-trafficking units dealt with undocumented migration and smuggling, in addition to human trafficking. During 2012, the government reported that it convicted trafficking offenders under PACTO; however, since PACTO also prohibits non-trafficking offenses and some government officials conflated trafficking and smuggling, the actual number of convicted trafficking offenders is unknown. Many police and prosecutors did not pursue trafficking cases or simply did not prioritize anti-trafficking activities. The FIA reported it continued to train officials on transnational trafficking issues at the FIA academy, but experts noted these trainings conflated trafficking with human smuggling.

Government employees' complicity in human trafficking remained a significant problem. Some feudal landlords were affiliated with political parties or were officials themselves and used their social, economic, and political influence to protect their involvement in bonded labor; a 2012 ILO report asserted that those who use bonded labor have been able to do so with impunity. Additionally, some police received bribes to ignore human trafficking activities from brothel owners, landowners, and factory owners who subjected Pakistanis to forced labor or forced prostitution. Some reports asserted that low-level officials in the FIA anti-trafficking unit, including police, did not register cases against trafficking offenders in exchange for bribes. Other reports noted that some FIA officials solicited bribes from deported Pakistani citizens who arrived in Pakistani airports to avoid having charges filed against them; some of these citizens may have been trafficking victims. The Government of Pakistan did not report any convictions of government employees for alleged complicity in trafficking-related offenses during the reporting period.

## Protection

The Government of Pakistan did not make progress in the protection of victims of human trafficking during the reporting period. Pakistani authorities did not have systematic methods for identifying trafficking victims among vulnerable populations and referring them to protective services.

NGOs reported that government officials often detained, fined, or jailed trafficking victims. For example, rural police were inclined to return “runaway” bonded laborers to brick kiln and landowners on the grounds that they tried to avoid repayment of debts. Undocumented foreign nationals were detained and charged under the penal code regardless of whether they had been subjected to human trafficking. Authorities detained returning Pakistani adults and boys, some of whom were trafficking victims, for having left the country illegally. Victims of sex trafficking were often charged with crimes, while their traffickers remained free. Various government-run jail-like facilities that did not allow women to leave without a male relative or a court order, commonly called “women’s shelters,” were available to female trafficking victims; there were not only reports of abuse and severe lack of freedom of movement in these centers, but also allegations that staff and police sold some women unclaimed by their families to men under the guise of marriage. Some child trafficking victims received shelter or other protective services through broad child protection programs and centers offered by provincial governments, although there was no information on how many victims were assisted. A news report described the rescue of 165 bonded laborers by police per the directive of local courts; however, in responding to the traffickers’ grievances of outstanding loans, the courts permitted the traffickers to file civil suits against the bonded laborers in order to recover funds, and the disposition of these civil suits is unknown. Civil society groups report that government rescues of trafficking victims are not accompanied by efforts to protect victims, leading to the victims’ re-trafficking. The Punjab provincial government continued implementation of its project launched in 2008 to eliminate bonded labor in brick kilns, which included helping an unknown number of bonded laborers obtain identity cards and interest-free loans. The Pakistani military continued to run a rehabilitation program in Swat for children who had been exploited by extremist groups; there was no information on how many trafficking victims were assisted by this program during the reporting period. There was also no information on whether the government encouraged victims of trafficking to participate in investigations against their traffickers. The government did not provide foreign victims with legal alternatives to their removal to countries where they may face retribution or hardship.

## Prevention

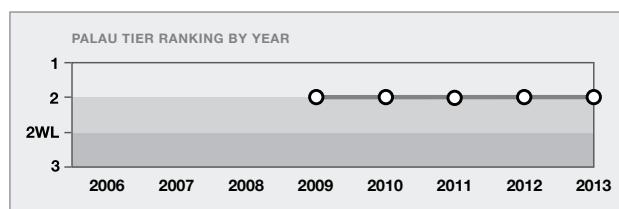
The Pakistani government made only limited efforts to prevent human trafficking during the year. The FIA reportedly placed anti-trafficking posters at airports and border crossings to raise awareness of transnational trafficking. Many of the district vigilance committees charged with curbing bonded labor and mandated by law continued to be either inactive or ineffectual. Under the government’s devolution process, which started in 2010, labor regulation and other civil matters, as well as social service delivery, were devolved from the central government to provincial jurisdictions, which often did not have the financial resources and technical capacity to carry them out; this hampered the government’s overall efforts

to effectively address forced labor and to provide protective services to trafficking victims. There was no information on whether Pakistani forces deployed to UN peacekeeping missions received training on combating human trafficking prior to their deployment abroad. The government’s efforts to reduce the demand for commercial sex acts by arresting some clients of prostitution were mitigated by the government’s punishing of females in prostitution without ensuring that they were not victims of trafficking. Pakistan is not a party to the 2000 UN TIP Protocol.

## PALAU (Tier 2)

Palau is a destination country for women subjected to sex trafficking and for women and men subjected to forced labor. Palau’s foreign population—the majority of which are from the Philippines, China, and the Republic of Korea—is estimated to comprise nearly one-fifth of the county’s population of 17,400. Filipino, Chinese, and Korean men and women pay thousands of dollars in recruitment fees and willingly migrate to Palau for jobs in domestic service, agriculture, restaurants, or construction; upon arrival, they are forced to work in conditions substantially different from what was presented in contracts or recruitment offers. Women from China and the Philippines migrate to Palau expecting to work as waitresses or clerks, but are subsequently forced into prostitution in karaoke bars and massage parlors; prime perpetrators of illegal recruitment are from the Philippines, who recruit for karaoke bars and massage parlors operated by Taiwanese nationals. Recent reports indicate that some Indonesian men who voluntarily migrate to Palau for work on fishing boats face fraudulent recruitment, altered working conditions, and withholding of salaries. Noncitizens are by law excluded from the benefits of the minimum wage law, and regulations make it extremely difficult for foreign workers to change employers once they arrive in Palau, increasing their vulnerability to involuntary servitude and debt bondage.

The Government of Palau does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government prosecuted and convicted a Palauan senator for human trafficking, but relied on a labor law statute—a far lesser offense—that does not reflect the serious nature of the human trafficking offense allegedly committed. The government also initiated two investigations involving foreign women masseuses and a locally hired U.S. government employee. The government, however, still lacks an adequate understanding of trafficking and how its law can be applied to identify trafficking victims and investigate and prosecute trafficking offenders.



**Recommendations for Palau:** Establish formal procedures for front-line officers to identify and refer trafficking victims to protective services; continue efforts to proactively investigate, prosecute, and punish trafficking offenders; continue publicly

to highlight the issue and to recognize and condemn incidences of trafficking; increase resources devoted to address anti-trafficking efforts; develop a national plan of action to combat human trafficking; continue to make vigorous efforts to combat corruption by officials involved in regulating the immigration and employment of foreign workers; monitor employment agents recruiting foreign men and women for work in Palau for compliance with existing labor laws to prevent their facilitation of trafficking; continue to develop and implement anti-trafficking information and education campaigns; and accede to the 2000 UN TIP Protocol.

## Prosecution

The Government of Palau demonstrated modest anti-trafficking law enforcement efforts during the year. Palau's Anti-Smuggling and Trafficking Act of 2005 prohibits all forms of trafficking in persons and prescribes sufficiently stringent penalties for these offenses, ranging from 10 to 50 years' imprisonment and fines of up to \$500,000; these are commensurate with penalties prescribed for other serious crimes, such as rape. Instead of using this more serious statute, prosecutors sometimes bring charges under the less serious labor violations. For example, in June 2012, the government convicted a Palauan senator, in a case that involved nine alleged trafficking victims, using a labor law violation of unlawful wage deductions and penalties, which led to an imposed sentence of only 90 days' imprisonment—less than the punishment prescribed under the 2005 trafficking law. The government reported investigating two additional suspected trafficking cases involving foreign masseuses who were serving tourists, prominent politicians, and businessmen, and another involving a locally hired U.S. government employee.

The Attorney General's office and members of the Department of Public Safety provided administrative support for a law enforcement training co-hosted by the Guam Attorney General's office, which included a session on anti-trafficking. However, the government did not train officers to proactively identify and assist victims or to identify victims among vulnerable populations, such as foreign workers or foreign women in prostitution. The government did not report any new investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting year, though it did continue its efforts in the labor case against the senator that began in 2011.

## Protection

The Government of Palau made modest efforts to identify and protect victims of trafficking during the reporting period. The government did not provide shelter or other services for trafficking victims, though it sustained partnerships with local churches to offer shelter, food, and housing to potential trafficking victims. The Department of Labor assisted six alleged trafficking victims in finding new employment. The government reported that while it did not have a policy of identifying and referring trafficking victims to legal services, the Attorney General's Office has increased its efforts to encourage victims' participation in investigations and prosecutions by holding counseling sessions to address victims' trauma and by reducing their fear of reprisals from traffickers. The government facilitated the departure of victims from Palau, but also offered work permits to alleged victims of trafficking who remained in the country.

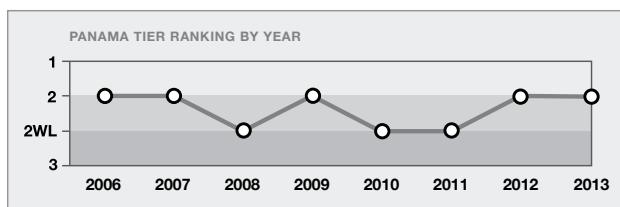
## Prevention

The Government of Palau sustained its previous efforts to prevent new incidents of human trafficking during the reporting period. The Department of Labor and the Attorney General's office developed a brochure that informs foreign workers of their rights and provided them with a contact number to report any misconduct. The closure of the Philippines embassy in July 2012 stymied the adoption of a Philippine-Palau memorandum of understanding to address the use of illegal recruiters. The government has yet to develop a national action plan against trafficking in persons and has not designated sufficient resources for anti-trafficking purposes. The government signed an extradition agreement with Taiwan authorities in December 2012 to strengthen cooperation on crime prevention and judicial mutual assistance. The government made no discernible effort to address the demand for commercial sex acts or the demand for forced labor during the reporting period. Palau is not a party to the 2000 UN TIP Protocol.

## PANAMA (Tier 2)

Panama is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Most Panamanian trafficking victims are exploited in sex trafficking in the country. The majority of foreign trafficking victims found in Panama are adult women from Colombia and, to a lesser extent, from neighboring Central American countries and the Dominican Republic. Most of these women migrate voluntarily to Panama to work, but are subsequently exploited in sex trafficking or in domestic servitude. In recent years, authorities have identified several East European women working in nightclubs as potential sex trafficking victims. NGOs report that some Panamanian children, mostly young girls, are subjected to domestic servitude in the country. Some Chinese men and women have been smuggled into the country to work in grocery stores and laundries, apparently in situations of debt bondage. There were reports that Nicaraguan migrants were also vulnerable to forced labor in Panama.

The Government of Panama does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, authorities convicted three sex trafficking offenders and launched a national anti-trafficking action plan. The government did not initiate any new trafficking prosecutions and the lack of police and victim care experts with specialized training hindered law enforcement efforts. Victim services and victim identification efforts remained inadequate; while two victims received shelter and other assistance, the majority of potential victims reported by authorities during the year were offered no specialized services or shelter after interacting with officials, leaving some to engage in prostitution for survival.



**Recommendations for Panama:** Increase funding for specialized victim services, particularly for adult victims, in partnership with civil society; ensure that identified victims are referred to appropriate services and shelters; intensify law enforcement efforts to investigate and prosecute both labor and sex trafficking crimes, and convict and sentence trafficking offenders, including officials complicit in trafficking offenses; strengthen government-provided training for police officers, prosecutors, immigration officials, social workers, and other government officials in anti-trafficking laws and victim identification and care; develop formal guidelines for identifying trafficking victims among vulnerable populations, particularly people in prostitution and migrant workers, to standardize victim identification and referral mechanisms; and strengthen interagency coordination mechanisms.

### **Prosecution**

The Government of Panama convicted three sex trafficking offenders but did not initiate any new trafficking prosecutions during the year. It continued to investigate possible sex trafficking cases; however, there were no reported investigations of forced labor, and an ongoing prosecution of officials accused of trafficking complicity was dismissed. Panamanian law prohibits all forms of trafficking, with prescribed sentences ranging from six to 30 years' imprisonment, depending on the nature of the offense. These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Panamanian law also prohibits moving people for the purposes of prostitution and illegal adoption as forms of trafficking, offenses that are not considered trafficking under the 2000 UN TIP Protocol. Panamanian officials categorized cases of human trafficking that did not involve movement as different crimes, such as commercial sexual exploitation, and treated these differently than human trafficking cases involving movement.

During the reporting period, authorities reported investigating eight sex trafficking cases and no labor trafficking cases. The government initiated no new prosecutions, while three prosecutions for sex trafficking commenced in previous years continued during 2012. In January 2013 the government convicted three sex trafficking offenders in one case under commercial sexual exploitation statutes: these offenders were each sentenced to 72 months' imprisonment. The government convicted no labor trafficking offenders. During the previous reporting period, authorities prosecuted four sex trafficking offenders, but convicted none. There was no dedicated anti-trafficking police unit, and the organized crime prosecutorial unit continued to be responsible for investigating trafficking cases. The lack of systematic data collection for trafficking crimes remained an impediment to assessing anti-trafficking law enforcement efforts. A judge dismissed the prosecution of six former immigration officials for their roles in a possible forced labor case initiated in 2010; the dismissal remained under appeal. Some officials lacked understanding of human trafficking, thereby at times impeding law enforcement efforts, and some trafficking cases were categorized as other crimes with lesser penalties. In 2012 Panamanian authorities cooperated with international organizations and foreign governments to train judicial and immigration officials on human trafficking.

### **Protection**

While authorities reported assisting two sex trafficking victims, the government failed to refer the vast majority of potential victims to victim services, raising serious concerns about victim identification and referral capacity. Authorities did not employ formal procedures for identifying trafficking victims among vulnerable populations, such as detained undocumented migrants and people in prostitution. Officials characterized 45 foreign women as potential sex trafficking victims, including 40 Colombian women in prostitution identified in one case after one victim escaped and identified herself as a victim to prosecutors. In comparison, Panamanian authorities reported identifying 80 potential trafficking victims in 2011 through law enforcement investigations. The government did not report how many children in prostitution it identified in 2012. Specialized services for trafficking victims remained inadequate, and authorities did not report funding NGOs to provide specialized services or shelter to victims or referring any potential victims to NGOs for care. Some NGOs received limited government funding for general operations, and NGOs reported identifying five victims during the year. In the absence of shelters for adults, authorities noted that they could house adult victims in hotels on an *ad hoc* basis, although they did not do so in practice during the year. In fact, after being identified as sex trafficking victims by authorities, a significant number of Colombian women remained in the lodging in which they were exploited and were reportedly locked inside for hours at a time by police responsible for their security. Some engaged in prostitution after being identified due to the lack of support from the government for food or basic needs. Two sex trafficking victims were housed in a temporary government shelter for female victims of violence, including the self-identified victim who remained there for three weeks before being repatriated, as well as a pregnant woman.

There were no medical, psychological, or legal services provided to the majority of potential victims identified during the year, and there were no long-term services available to trafficking victims. Panamanian authorities encouraged victims to assist with the investigation and prosecution of trafficking offenders, although officials reported difficulties in obtaining victim participation in investigations and did not report how many victims did so in 2012. Panamanian law provided legal alternatives to the removal of foreign victims of trafficking to countries where they might face hardship or retribution; while the government did not report issuing any temporary resident permits for trafficking victims during the reporting period, it reported that two such permits were in process. Seven foreign sex trafficking victims were voluntarily repatriated, and in one case police officers paid out of their own pocket for some travel expenses. Trafficking victims were not known to have been penalized for unlawful acts committed as a direct result of being subjected to human trafficking. Due to the lack of victim identification guidelines, however, it was not clear that all foreign victims were identified before their deportation.

### **Prevention**

During the reporting period, the Government of Panama strengthened efforts to prevent human trafficking through awareness activities and launching a national anti-trafficking plan. The five-year plan assigned different government entities responsibilities for increasing prosecution, protection, and prevention efforts. The government anti-trafficking

commission met regularly during the reporting period; it reported conducting a month-long awareness campaign, as well as partnering with an airline to raise awareness. Child sex tourism is prohibited by law, though there were no reported investigations, prosecutions, or convictions of foreign tourists engaged in the commercial sexual exploitation of children in 2012. The government did not report other efforts to reduce the demand for commercial sex acts or for forced labor.

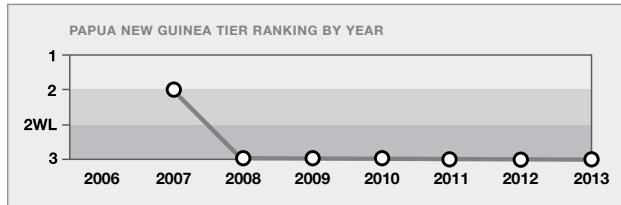
## PAPUA NEW GUINEA (Tier 3)

Papua New Guinea is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Women and children are subjected to sex trafficking and domestic servitude, and men are subjected to forced labor in logging and mining camps. Child labor is outlawed in Papua New Guinea, but it is estimated that 19 percent of the labor market is composed of child workers. Teenagers, particularly underage girls, are employed in night clubs as hostesses, dancers, and bartenders. The vulnerability to human trafficking of "Mosko Girls"—young girls who are employed in bars to provide companionship to male patrons and sell an alcoholic drink called *mosko*—emerged as a new trend around major cities in Papua New Guinea in 2012. There are reports of internal trafficking involving children, including girls from tribal areas as young as five, being subjected to commercial sexual exploitation or forced labor by members of their immediate family or tribe. Tribal leaders sometimes trade with each other the exploitative labor and service of girls and women for guns and political advantage. Traditional customs in Papua New Guinea permit parents to sell their daughters into forced marriages—often to wealthy men and politicians—to settle debts, leaving them vulnerable to forced domestic service. Polygamy in Papua New Guinea is also a serious concern, as it affirms patriarchal attitudes that men own women and perpetuates discrimination against women and girls. Young girls sold into polygamous marriages are often forced into domestic service for their husbands' extended families. In more urban areas, some children from poorer families are prostituted by their parents or sold to brothels. Young boys, as young as 12, are exploited by "market taxis" in urban areas, carrying extremely heavy loads for low pay.

Asian crime rings, foreign logging companies, and foreign businesspeople arrange for some foreign women to voluntarily enter Papua New Guinea with fraudulently issued tourist or business visas. Subsequent to their arrival, many of the women, from countries including Malaysia, Thailand, China, and the Philippines, are turned over to traffickers who transport them to logging and mining camps, fisheries, and entertainment sites, and then exploit them in forced prostitution and domestic servitude. Chinese and local men are exploited for labor at commercial mines and logging camps, where some receive little pay and are compelled to continue working for the company indefinitely through debt bondage schemes. Employers exacerbate workers' indebtedness by paying substandard wages and charging artificially inflated prices at the company store; in such circumstances, an employee's only option is to buy food and other necessities on usurious terms of credit.

The Government of Papua New Guinea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Despite an overall low level of awareness of trafficking among many

government officials, the government acknowledged that human trafficking was a problem in the country and expressed its commitment to increasing law enforcement's capacity to address it. However, it has not yet enacted draft legislation that would criminalize all forms of trafficking, nor has it investigated or prosecuted suspected trafficking offenders under existing laws, or identified or assisted any trafficking victims during the year. The government appeared to take no action against trafficking-related corruption. Government officials continued to facilitate trafficking by accepting bribes to allow illegal migrants to enter the country or to ignore victims forced into prostitution or labor, and by trading female trafficking victims in return for political favors or votes.



**Recommendations for Papua New Guinea:** Enact the draft legislation that prohibits and punishes all forms of trafficking; investigate, prosecute, and punish trafficking offenders, including officials who facilitate or directly benefit from trafficking; develop and institute a formal procedure to identify victims of trafficking among vulnerable groups, such as individuals in prostitution and foreign women arriving for work in Papua New Guinea; train law enforcement officers to proactively identify victims and refer them to protective services; ensure that victims of trafficking are not arrested, deported, or otherwise punished for acts committed as a direct result of being trafficked; work with NGOs and international organizations to increase protective services to victims of trafficking; increase collaboration with civil society, religious, and tribal leaders to raise awareness of and reduce demand for forced labor and commercial sex acts; and accede to the 2000 UN TIP Protocol.

### Prosecution

The Government of Papua New Guinea did not demonstrate significant progress in its anti-trafficking law enforcement efforts during the year. The government's draft legislation, which would amend the country's criminal code by prohibiting human trafficking, was resubmitted to the National Executive Council in early 2012 for signature under a newly elected administration. However, despite the expressed support and recognized importance of the bill from government leaders, it remains pending at the end of the reporting cycle. Papua New Guinea's existing criminal code prohibits some forms of human trafficking, such as the trafficking of children for commercial sexual exploitation and slavery and the forced labor and slavery of adults. Its definition of forced labor, however, appears to exclude victims who initially consented to a particular job, but were subsequently maintained in that labor or service through force or coercion. Therefore, Papua New Guinea's laws do not prohibit all forms of trafficking. Penalties prescribed for the crime of child trafficking are up to life imprisonment and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The criminal code prescribes various penalties under different definitions of forced prostitution of women. These offenses, including holding a woman in a

brothel against her will, prescribe fines or sentences of up to two years' imprisonment, which are not sufficiently stringent. Prescribed penalties of up to seven years' imprisonment for perpetrators who use fraud, violence, threats, abuse of authority, or drugs to procure a person for purpose of forced prostitution are sufficiently stringent. However, the government did not report investigating, arresting, or prosecuting any trafficking offenders under these statutes. Instead of handling trafficking-related crimes in criminal courts and assigning trafficking offenders criminal penalties, these cases were often referred to village courts, which administered customary law and adjudicated cases resulted in restitution paid by the trafficking offender to the victim. Some victims of internal trafficking (or their parents) who received customary compensation payments from the offender were reluctant to notify police or bring additional criminal charges against traffickers.

Department of Justice and Attorney General (DJAG), with the assistance of foreign funding, trained a total of 78 law enforcement and non-law enforcement government officers and 82 NGO representatives on human trafficking. Wealthy businesspeople, politicians, and police officials who benefitted financially from the operation of commercial sex establishments were not prosecuted. Law enforcement agencies were underfunded, and most government offices remained weak as the result of corruption, cronyism, a lack of accountability, and a promotion system based on patronage. The government did not investigate or prosecute any government officials for complicity in trafficking-related crimes during the year, despite NGO claims that government ministers, police, and other officials may be complicit in commercial sexual exploitation.

### Protection

The Government of Papua New Guinea did not make any discernible efforts to proactively identify or assist victims of trafficking among vulnerable populations during the reporting period. The government does not operate any victim care facilities for trafficking victims, nor did it refer victims to NGO service providers. Shelters run by NGOs may be available to trafficking victims, but none of these organizations reported identifying or assisting any victims of trafficking during the year. The government did not fund any international organizations or NGOs to assist trafficking victims. Due to poor victim identification by authorities, potential victims who came to the attention of police may have been punished for crimes committed as a direct result of being trafficked. This was especially true for victims of sex trafficking, who may have been prosecuted for violation of the country's prostitution laws. While laws are in place to protect sex trafficking victims from being penalized for unlawful acts they might have committed as a direct consequence of their being trafficked, there are no such provisions to protect victims of forced labor. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they may face hardship or retribution.

### Prevention

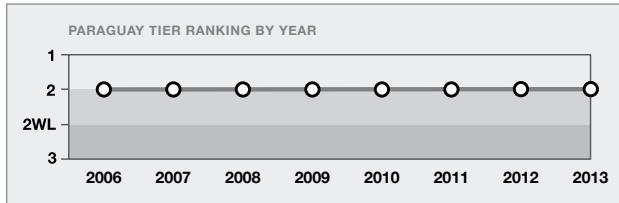
During the past year, the Government of Papua New Guinea initiated modest efforts to prevent human trafficking. DJAG, in partnership with an international organization and with funding from a foreign donor, conducted research in four provinces, which identified Papua New Guineans vulnerable to labor and sexual exploitation. This research resulted in

organizing various activities. For example, in partnership with an international organization, DJAG conducted several two-hour community-level awareness sessions in various villages and communities during May and June 2012. They also hosted the "One Day Against Human Trafficking" events in which films, presentations, and interactive panel discussions were utilized to increase awareness on human trafficking. Radio campaigns surrounding these awareness events were also delivered nationally, in addition to a special one-day workshop in June at one of the four provinces featured in the report. The National Human Trafficking Committee, chaired by the DJAG, provided informational and logistical support for an anti-trafficking seminar in February 2013, which invited 35 people from seven government agencies to discuss adult and child sex trafficking. The government took no discernible actions, however, to decrease the demand for forced labor or commercial sex acts, and it did not provide anti-trafficking training to Papua New Guinean troops prior to their deployment abroad on international peacekeeping missions. Papua New Guinea is not a party to the 2000 UN TIP Protocol.

## PARAGUAY (Tier 2)

Paraguay is a source country for women and children subjected to sex trafficking, and for men, women, and children subjected to forced labor. To a more limited extent, Paraguay is a destination and transit country for men and women subjected to forced labor and forced prostitution. Paraguayan victims of sex trafficking and forced labor are found in Argentina, Chile, Bolivia, and Spain, and during the year a significant number of Paraguayan victims were identified in Brazil. Paraguayan victims of sex trafficking have also been identified in other countries, most recently including Ecuador and Colombia. There were continued reports of child sex trafficking in the tri-border area with Argentina and Brazil. There are reports that Paraguayan women are recruited as couriers of illicit narcotics to Europe, where they are subsequently coerced into forced prostitution. Domestic servitude and sex trafficking of women and girls within the country remain a serious problem; some victims are recruited from rural areas, in particular from the departments of Caazapa, Caaguazu, and San Pedro, and exploited in urban centers. Indigenous persons are particularly at risk of being subjected to forced labor and sex trafficking, especially in the Chaco region. Street children and children involved in hazardous work are vulnerable to human trafficking.

The Government of Paraguay does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained law enforcement efforts against sex trafficking offenders and took action against official complicity by convicting a police officer involved in sex trafficking. Authorities passed a new trafficking law strengthening the country's legal framework, maintained provision of victim services for some sex trafficking victims, and strengthened prevention efforts. Specialized victim services, however, remained limited, and authorities lacked a formal system to proactively identify trafficking victims or to refer them to care services. Trafficking-related corruption remained a serious concern.



**Recommendations for Paraguay:** Enhance access to comprehensive services and shelter for victims of sex and labor trafficking alike through increased funding for victim services and enhanced partnerships with civil society organizations; institute formal referral mechanisms to ensure that all identified victims can access care services; increase efforts to proactively investigate forced labor cases and identify labor trafficking victims, including those exploited within the country; continue to intensify efforts to investigate and prosecute trafficking offenses, including forced labor crimes and crimes involving official complicity, as well as efforts to convict and punish trafficking offenders; consider increasing resources for dedicated anti-trafficking units; increase training for government officials, including law enforcement officials, labor officials, judges, and social workers on how to identify and respond to trafficking cases; improve data collection on human trafficking cases; and continue to strengthen efforts to raise public awareness about all forms of human trafficking, including internal trafficking.

## Prosecution

The Government of Paraguay passed a law prohibiting all forms of human trafficking in December 2012, and it maintained strong efforts to investigate and prosecute sex trafficking offenses throughout the year; however, efforts to investigate forced labor remained weak. The new law also strengthened investigative tools available to prosecutors, raised penalties for trafficking crimes, and outlined victim protection commitments. The law prescribes penalties of up to eight years' imprisonment, which can be increased to up to 20 years with aggravating factors; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Previously, Paraguay's penal code did not sufficiently prohibit internal trafficking, though articles 129(b) and (c) prohibited transnational sex and labor trafficking, prescribing penalties up to 12 years' imprisonment. Other statutes, including those penalizing commercial sexual exploitation of children, were used to investigate domestic trafficking cases.

The police maintained anti-trafficking units in five cities with a total of 33 officers; these units also investigate crimes such as extortion and the production of fraudulent documents, and reportedly faced resource and staffing challenges during the year. The government increased the staff of the dedicated anti-trafficking unit in the attorney general's office to a total of three prosecutors and 20 assistants, including a social worker and a psychologist. The unit worked with prosecutors across the country to investigate and prosecute human trafficking cases. Some civil society and government actors noted that these units had limited human and material resources, that law enforcement response in some parts of the country was severely limited or delayed, and that awareness of internal trafficking crimes was weak among many officials. In 2012, Paraguayan prosecutors reported 128 new trafficking investigations; out of

these, only two involved forced labor. Authorities initiated 23 new prosecutions and convicted 14 sex trafficking offenders: eight offenders were convicted under article 129 (b), while six offenders were convicted under a statute prohibiting pimping. Sentences ranged from six months to seven and a half years' imprisonment, and at least six sentences were suspended. There were no reported convictions for forced labor. This compares with 2011, when authorities reported prosecuting 30 cases and convicting eight sex trafficking offenders and one labor trafficking offender.

Some government officials, including police, border guards, judges, and public registry employees, reportedly facilitated human trafficking, including by protecting brothels where children were prostituted, extorting suspected trafficking offenders in order to prevent arrest, and producing fraudulent identity documents. There were also reports that some traffickers used their connections with local politicians to intimidate judges and police officers. In 2012, the government convicted a police officer of forcing two Paraguayan women into prostitution in Chile, and he was sentenced to seven and a half years' imprisonment. Much of the specialized training on human trafficking for Paraguayan officials was either funded by, or provided by, foreign governments and international organizations; the women's ministry trained hundreds of local officials on human trafficking, prosecutors created anti-trafficking modules with foreign government funding to incorporate into mandatory training for new prosecutors. Paraguayan officials collaborated with Argentine, Bolivian, Chilean, German, and Spanish counterparts on trafficking investigations, and extradited two Argentine citizens to Argentina to face trafficking charges.

## Protection

The Government of Paraguay maintained efforts to protect some female victims of sex trafficking during the reporting period, but victim assistance remained uneven, particularly outside of the capital. Authorities did not employ formal procedures for proactively identifying trafficking victims among vulnerable populations such as those in prostitution, domestic workers, or street children. Officials referred identified victims to services on an *ad hoc* basis. During the reporting period, prosecutors identified 58 trafficking victims and reported referring all sex trafficking victims to care facilities. The coordinator of the anti-trafficking roundtable stated that the government identified 174 victims during the year, while the foreign ministry reported assisting 202 Paraguayan victims abroad. While the majority of victims identified within the country were Paraguayan, authorities reported identifying two Bolivian citizens exploited in forced labor, and a potential Brazilian victim of forced labor. The differing figures reflect the continued difficulties in collecting comprehensive and accurate victim data. It is unclear how many of the victims exploited abroad or within the country received specialized services.

The women's ministry ran one open shelter in Asuncion for female trafficking victims that provided medical, psychological, and legal services to 18 victims during the year, 10 girls and eight adult women. This represents a decrease from 38 victims assisted at the shelter in 2011. The government increased funding for the anti-trafficking unit in the women's ministry during the year, which had a staff of five. The women's ministry maintained other assistance programs, including seven drop-in centers for a variety of women's issues, four of

which opened in 2012. These centers provided assistance to 47 trafficking victims during the year, 37 women and 10 girls; the women's ministry provided follow-up assistance to 20, including participation for six victims in social reintegration programs. Government-provided services for child sex trafficking victims were inadequate. NGOs and international organizations provided victim services, mostly focused on vulnerable children, and one NGO providing specialized services and shelter for child sex trafficking victims in Asuncion ceased providing this care due to a funding decrease from international donors. Specialized services, including shelters, remained inadequate for the number of identified victims, including for child sex trafficking victims. The Paraguayan government did not offer shelter facilities for male victims.

Paraguayan authorities encouraged victims to participate in the investigation and prosecution of trafficking offenders, and some victims filed complaints to open investigations. Victims generally avoided the court system, however, due to social stigma, fear of retaliation, and the lengthy judicial process. Identified victims generally were not jailed, deported, or otherwise penalized for acts committed as a direct result of being subjected to human trafficking. The government could offer temporary or permanent residency status for foreign trafficking victims through its liberal immigration system, but did not report doing so in the past year.

### **Prevention**

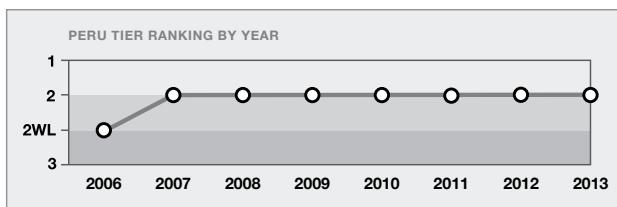
The Paraguayan government strengthened its prevention activities during the reporting period. Government agencies, civil society organizations, and foreign diplomatic missions participated in a government-run anti-trafficking roundtable, which met several times during the year, and whose four sub-committees each met frequently. In 2012, authorities also formed several regional anti-trafficking roundtables which varied in effectiveness. With funding from a private company, the women's ministry launched an awareness campaign targeting vulnerable Paraguayan citizens seeking jobs. Authorities continued to distribute pamphlets on the rights of migrant workers to citizens applying for passports. Some government agencies issued public reports of their anti-trafficking efforts. There were no reports of Paraguayans engaged in child sex tourism abroad. Authorities reported no efforts to reduce demand for commercial sex acts or forced labor. The government provided anti-trafficking training to Paraguayan troops prior to their deployment abroad on international peacekeeping missions.

## **PERU (Tier 2)**

Peru is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Peruvian men, women, and children are exploited in forced labor within the country, principally in informal gold mining and related services, logging, agriculture, and domestic service. Research conducted during the reporting period found various forced labor indicators among Peruvians working in artisanal gold mines, including deceptive recruitment, debt bondage, restricted freedom of movement or inability to leave, withholding of or nonpayment of wages, and menace and use of physical violence. Peruvian women and girls, and to a lesser extent boys, are exploited in sex trafficking in Peru's urban areas and mining centers, often recruited through

deceptive employment offers. Women and girls exploited near mining communities are often indebted due to the cost of transportation, and unable to leave due to remoteness of camps and complicity of miners in their exploitation; many are forced to consume alcohol with clients. Forced child begging remained a problem in urban areas. Peruvian authorities continued to identify an increasing number of children involved in illicit activities, including in cocaine production and transportation, and some of these children are coerced or forced to participate in these illegal enterprises. There are continued reports that the terrorist group Sendero Luminoso, or Shining Path, recruited children and adults to serve as combatants and in the illicit narcotics trade. To a lesser extent, Peruvian women and children are found in forced prostitution in Ecuador and Argentina, and men, women, and children are found in forced labor in Argentina, Chile, Ecuador, Brazil, and the United States, among other countries. Peru also is a destination country for foreign female trafficking victims from other South American countries including Bolivia in conditions of forced labor. Child sex tourism is present in areas such as Cuzco, Lima, and the Peruvian Amazon.

The Government of Peru does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The anti-trafficking police unit continued to identify a large number of potential victims and the public ministry's victim assistance program provided 140 trafficking victims with services, including psychological and legal support. A new law passed during the year requires the government to report annually to Congress on progress in fighting trafficking. Regional governments formed anti-trafficking commissions, some of which approved anti-trafficking plans. In spite of the existence of forced labor in various sectors, there appeared to be no proactive efforts to prosecute forced labor cases, and efforts to identify and assist forced labor victims were weak. Given the large number of victims identified during the year, the low number of trafficking defendants convicted was of particular concern. Trafficking-related complicity among officials remained a serious concern; in one high-profile sex trafficking case prosecutors allegedly accepted bribes from trafficking defendants to interfere with the trial. Government funding for victim services continued to be inadequate, particularly for adults, and officials did not report referring the majority of identified victims to care services. There were no dedicated shelters for trafficking victims. The lack of shelters left victims vulnerable to revictimization and some child victims were housed in police stations.



**Recommendations for Peru:** Significantly increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, especially for forced labor crimes; fund dedicated shelters and specialized services for all victims of trafficking, including adults, or provide funding to NGOs with capacity to provide these services; initiate proactive investigations of forced labor crimes through enhanced partnerships between law enforcement officials,

labor officials, and civil society organizations; create and implement formal victim identification and referral mechanisms; ensure that law enforcement officials conduct intelligence-based raids and employ effective victim screening during operations; hold corrupt officials who facilitate trafficking activities accountable through criminal investigations and prosecutions; increase funding for resources and training for specialized anti-trafficking police and prosecutorial units; and improve data collection on trafficking crimes.

## **Prosecution**

The Government of Peru investigated trafficking crimes during the year, but convictions were low in comparison to the number of victims identified and efforts to prosecute and convict forced labor offenders were inadequate. Peruvian law prohibits all forms of trafficking in persons, prescribing penalties of eight to 25 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Despite guidance from the judicial branch, some investigators, prosecutors, and judges classified trafficking cases as less serious criminal offenses and prescribed lower penalties. The anti-trafficking police division was based in the capital, with a smaller unit in Iquitos; the division's effectiveness, particularly outside the capital, was hampered by limited resources. Most law enforcement operations focused on sex trafficking, and investigations, prosecutions, and convictions for forced labor remained disproportionately low. In some parts of the country, lack of government presence and officials' fear of retaliation from trafficking offenders prevented them from investigating reported cases of forced labor or forced prostitution. Data collection suffered a setback during the year, as police did not use an existing electronic case database to track human trafficking investigations. Law enforcement officials continued to conflate prostitution and sex trafficking. There were no dedicated prosecutors for trafficking cases, and police and prosecutors continued to suffer from a lack of coordination with each other.

In 2012, the police investigated 215 potential trafficking cases in the capital and the surrounding region. The government initiated 113 new prosecutions. The government did not report the number of trafficking offenders convicted in 2012, but prison statistics indicated that at the end of 2012 there were nine more individuals incarcerated after being convicted of human trafficking in comparison with 2011. Information was not available about the range of prison sentences given, although one press report indicated that a convicted sex trafficking offender was sentenced to four years and six months' imprisonment. In 2011, the government reported convicting four sex trafficking offenders and one forced labor offender.

Tolerance by and corruption of officials facilitated trafficking in certain instances. Some officials permitted the operation of unlicensed brothels and the commercial sexual exploitation of children; during the year, six police officers were accused of extorting nightclub owners using the threat of sex trafficking charges. Civil society organizations reported that some officials' involvement in the mining industry resulted in a conflict of interest in terms of taking law enforcement action against sex trafficking in mining areas. In a high-profile case, officials in Piura suspended two prosecutors for 30 days for accepting money to interfere with the prosecution of an alleged trafficker; although authorities continue to investigate these prosecutors, the accused trafficking offenders that allegedly bribed the

prosecutors were acquitted in January 2013. There were no reported prosecutions or convictions of government employees complicit in human trafficking in 2012. In partnership with civil society organizations and often with international organization and foreign government funding, the government provided anti-trafficking training to police, prosecutors, and other officials.

## **Protection**

The Peruvian government provided inadequate services to trafficking victims during the year, and the lack of specialized shelters remained a challenge. Authorities did not develop or employ systematic procedures for identifying trafficking victims among vulnerable populations and law enforcement had a limited ability to distinguish between people engaged in prostitution and sex trafficking victims. The government did not maintain comprehensive victim identification statistics. Law enforcement officials reported identifying 518 potential trafficking victims in the city and region of Lima in 2012, including 446 adults and 72 children. This number appears to include a significant number of adult women in prostitution who were not trafficking victims. Eleven children identified during a raid on a Shining Path camp were referred to government shelters for vulnerable children. Of the 11 adults also identified during the raid, all of whom were determined to have been kidnapped or forcibly recruited to work for the Shining Path, only three received services from the government—these three were provided victim witness protection by the state.

The government had no formal process for referring trafficking victims to services, and it was unclear how many total victims received services, including shelter. Civil society organizations provided most specialized services to victims without government funding, and specialized psychological, legal, and other services remained unavailable in many parts of the country, particularly for adults. The public ministry's national program for assistance to victims and witnesses reported assisting 140 trafficking victims in total, including 65 labor trafficking victims, 69 sex trafficking victims, and six victims of both labor and sex trafficking. Of these 140 victims, 79 were children and 61 were adults; 107 received psychological assistance, 95 received legal services, and 85 received social services. Of those victims receiving social services, 49 were referred to shelters, 20 were referred to medical services, and only seven were referred to reintegration services. Police reported returning to their parents the majority of child victims identified in Lima in 2012 and referring an additional 18 child victims to government-run shelters for vulnerable children. Two government-funded shelters for girl victims of sexual exploitation could shelter child sex trafficking victims, though they were not equipped to provide specialized care for victims of trafficking. Other government-run general shelters for vulnerable children lacked basic infrastructure, including space to house victims. Likewise, government-run emergency centers for women provided no specialized services to trafficking victims and no shelter, but reported assisting 34 trafficking victims during the year. The Peruvian national police were responsible for temporarily housing victims after raids; in some cases, however, child victims remained at police stations in "preventative centers" for months if shelters lacked available beds. In some cases, police or prosecutors used their own personal money to help victims due to a lack of victim services. Specialized services for male victims were virtually non-existent, and while authorities reported paying

for repatriation of Peruvian victims exploited abroad, funding for reintegration and other services was lacking.

Victim participation in the investigation or prosecution of traffickers remained limited. NGOs noted that victims received inadequate protection and assistance during the legal process, and one victim under the witness protection program was reportedly unable to come and go at will or pursue gainful employment. Some police, prosecutors, and judges did not sufficiently protect the privacy of trafficking victims. The government did not, however, penalize victims for unlawful acts committed as a direct result of being trafficked. Foreign trafficking victims were eligible for temporary and permanent residency status under Peruvian refugee law, though there were no reports of victims requesting or receiving this status during the year.

### Prevention

The Government of Peru maintained its prevention efforts, including by supporting regional-level anti-trafficking working groups and action plans. The government's interagency committee, which also included civil society actors, continued to receive limited funds to coordinate anti-trafficking efforts. However, most government entities lacked adequate funding to implement their responsibilities as outlined in the national anti-trafficking action plan. NGOs and officials alike reported that the committee suffered from a lack of commitment on the part of some participating ministries and was ineffective. The government passed a law requiring annual reports to Congress on anti-trafficking efforts, including efforts to implement the action plan. Authorities conducted some awareness raising efforts, often in partnership with civil society organizations. Several regional governments maintained anti-trafficking working groups or worked on regional anti-trafficking plans, some of which were launched during the year. In an effort to prevent forced labor, the labor ministry provided training for staff at government-run job search centers on how to identify fraudulent job offers. During the reporting period, Peruvian authorities trained tourist service providers on preventing child sex tourism and investigated potential cases. Authorities reported no prosecutions or convictions of child sex tourists in 2012. The government provided Peruvian peacekeepers training on human trafficking prior to their deployment abroad on international peacekeeping missions.

## PHILIPPINES (Tier 2)

The Philippines is a source country and, to a much lesser extent, a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. A significant number of Filipino men and women who migrate abroad for work are subsequently subjected to conditions of involuntary servitude. Men, women, and children are subjected to conditions of forced labor in factories, at construction sites, on fishing vessels, on agricultural plantations, and in the shipping industry, as well as in domestic service and other service sector jobs in Asia and increasingly throughout the Middle East. A significant number of Filipina women working in domestic service in foreign countries also face rape, physical violence, and sexual abuse. Skilled Filipino migrant workers such as engineers and nurses are also subjected to conditions of forced labor abroad. Filipina women were subjected to sex trafficking in Malaysia, Singapore, Hong Kong, Republic of

Korea, China, Japan, Saudi Arabia, United Arab Emirates, Qatar, Kuwait, and Syria.

Trafficking of men, women, and children within the country also remains a significant problem. People are trafficked from rural areas to urban centers including Manila, Cebu, the city of Angeles, and increasingly cities in Mindanao, as well as within other urban areas and tourist destinations such as Boracay, Olongapo, Puerto Galera, and Surigao. Men are subjected to forced labor and debt bondage in agriculture, including on sugar cane plantations, and in the fishing industry. Women and children were trafficked within the country for forced labor as domestic workers and small-scale factory workers, for forced begging, and for exploitation in the commercial sex trade. Hundreds of victims are subjected to sex trafficking each day in well-known and highly visible business establishments that cater to Filipinos' and foreign tourists' demand for commercial sex acts. Filipino migrant workers, both domestically and abroad, who became trafficking victims are often subjected to violence, threats, inhumane living conditions, nonpayment of salaries, confinement, and withholding of travel and identity documents.

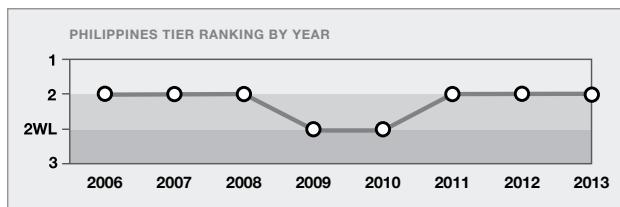
Traffickers, at times in partnership with organized crime syndicates and corrupt government officials, recruit family and friends from villages and urban neighborhoods, sometimes masquerading as representatives of government-registered employment agencies. During the year, traffickers increasingly used email and social networking sites to fraudulently recruit Filipinos for overseas work. Fraudulent recruitment practices and the institutionalized practice of paying recruitment fees leave workers vulnerable to forced labor, debt bondage, and commercial sexual exploitation. Reports that illicit recruiters used student, intern, and exchange program visas to circumvent the Philippine government and receiving countries' regulatory frameworks for foreign workers are not uncommon. Recruiters continued to employ various methods to avoid government-run victim detection units at airports and seaports. Traffickers utilized budget airlines, inter-island ferries and barges, buses, small private boats, and even chartered flights to transport their victims domestically and internationally. Organized crime syndicates transported sex trafficking victims from China through the Philippines *en route* to third-country destinations.

Child sex tourism remained a serious problem in the Philippines, with sex tourists coming from Northeast Asia, Australia, New Zealand, Europe, and North America to engage in the commercial sexual exploitation of children. Increasingly, Filipino children are coerced to perform sex acts for internet broadcast to paying foreign viewers. An NGO reported an increasing risk of boys becoming victims of commercial sexual exploitation.

Children in conflict-afflicted areas were particularly vulnerable to trafficking. The Moro Islamic Liberation Front, a separatist group, and the New People's Army were identified by the UN as among the world's persistent perpetrators of violations against children in armed conflict, including unlawfully recruiting and using children. During the year, the UN reported on the Abu Sayyaf Group's continued targeting of children for conscription as both combatants and noncombatants. There were reports that, in one incident, the Armed Forces of the Philippines (AFP) forced two children aged 12 and 13 to serve as guides; the children were reportedly released the same day. There were also reports that one child was inadvertently

recruited into a paramilitary entity operational under the AFP during the year.

The Government of the Philippines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government sustained its levels of funding for the Inter-Agency Council Against Trafficking (IACAT) at the equivalent of approximately \$1.2 million in 2012 and continued efforts to implement anti-trafficking laws and policies at the national, regional, and provincial levels. It undertook notable efforts to prevent the trafficking of overseas workers and to protect Filipino victims exploited abroad, and increased many of its financial and human resource allocations to combat trafficking. It did not, however, make significant progress in addressing the underlying weaknesses in its judicial system, which stymied efforts to hold trafficking offenders accountable, and the overall number of prosecutions and convictions remained disproportionately low for the size of the problem. It enacted amendments to its anti-trafficking legislation that could facilitate prosecution of a wider range of cases, but the excessive length of trials and lack of public prosecutors dedicated to trafficking cases continue to limit progress. The government identified and provided protections to trafficking victims but did not make significant efforts to increase the availability of specialized services. Rampant corruption at all levels enabled traffickers and undermined efforts to combat trafficking.



**Recommendations for the Philippines:** Increase efforts to investigate, prosecute, and convict an increased number of both labor and sex trafficking offenders implicated in the trafficking of Filipinos within the country and abroad; address the significant backlog of trafficking cases by developing mechanisms to track and monitor the status of cases filed with the Department of Justice (DOJ) and those under trial in the courts; conduct immediate and rigorous investigations of complaints of trafficking complicity by government officials, and ensure accountability for leaders that fail to address trafficking-related corruption within their areas of jurisdiction; ensure the government's armed forces or paramilitary groups supported by the government do not recruit or use children; continue to strengthen anti-trafficking training for police recruits, front-line officers, and police investigators; increase the number of government officials whose duties are dedicated solely to anti-trafficking activities; continue and improve collaboration between victim service organizations and law enforcement authorities with regard to law enforcement operations; make efforts to expand the use of victim processing centers to additional localities to improve identification of adult victims and allow for victims to be processed and assisted in a safe environment after a rescue operation; examine "off-loading" policies to ensure this practice does not interfere with individuals' freedom of movement; increase victim shelter resources and expand the government shelter system to assist a greater number of trafficking victims, including male victims of sex and labor trafficking; increase funding for the DOJ's witness protection program and facilitate the

entry of trafficking victims into the program; increase efforts to identify trafficking victims in destination countries and to pursue criminal investigation and prosecution of their traffickers; and develop and implement programs aimed at reducing the demand for commercial sex acts, including child sex tourism.

## Prosecution

The government continued to prosecute sex and labor trafficking offenders and to impose stringent sentences on convicted offenders, but it convicted fewer offenders than it did during the previous year. The Philippines criminally prohibits sex and labor trafficking through its 2003 Anti-Trafficking in Persons Act, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In February 2013, the government enacted an amendment to its 2003 law that defined additional acts as constituting trafficking in persons and included provisions for the prosecution of attempted trafficking; the new law also provides for extraterritorial jurisdiction of trafficking crimes committed by Filipino citizens or legal residents or against Filipino citizens abroad. During the reporting period, 227 cases were filed with the DOJ for potential prosecution, but it is unknown how many cases were prosecuted. The government convicted 24 trafficking offenders, a decrease from the 29 traffickers convicted during the previous year; three convictions were for labor trafficking, a slight increase from the two labor trafficking convictions obtained during the previous year. An international NGO assisted the government with seven of the 19 cases that resulted in convictions. Sentences for those convicted ranged from 17 years to life imprisonment, with the majority of offenders sentenced to life imprisonment. In one successful case, a sex trafficking conviction was obtained in the Philippines for a local Filipina recruiter, and IACAT support was given to the court in Malaysia that reportedly convicted her Singaporean counterpart for human trafficking violations in Malaysia. The government's anti-money laundering law could be used to file a civil action requesting courts freeze and seize assets of suspected traffickers, but there were no reports that victims received this form of redress during the year. Nonetheless, hundreds of victims continue to be trafficked each day in well-known, highly visible establishments, many of which have never been the target of anti-trafficking law enforcement action.

Although the DOJ encouraged courts' expedited processing of trafficking cases based on a 2010 supreme court circular setting a six-month limit, inefficiencies in the judicial system posed serious challenges to the successful prosecution of some cases; government and NGO observers estimated the average length of trafficking cases to be between three-and-a-half and five years. The DOJ, which houses the IACAT secretariat, is responsible for the prosecution of suspected offenders and protection of witnesses in trafficking cases and assigned 93 prosecutors to work on trafficking in persons cases, a significant increase from 58 in the previous year. Nineteen of these prosecutors were with the IACAT secretariat, while 74 were assigned to airport and regional taskforces. Most of these prosecutors, however, were given this responsibility in addition to their regular workloads. The government continued to employ a taskforce model, in which prosecutors were assigned to assist law enforcement in building cases against suspected trafficking offenders; eight new taskforces were established during the year, bringing the total to 14. Observers reported that constant collaboration between law enforcement officers

and prosecutors led to more organized investigations during the reporting period.

The government continued strong efforts to provide anti-trafficking training to government officials: IACAT independently conducted 90 training sessions for government and NGO stakeholders and 14 in cooperation with other partners, police trained 1,616 officers working on women and children's desks, and NGOs and foreign donors provided additional training to law enforcement officers. Nonetheless, NGOs continue to report a lack of understanding of trafficking and the country's anti-trafficking legal framework among many judges, prosecutors, social service workers, and law enforcement officials; low awareness and high rates of turnover among officials continue to pose a significant impediment to successful prosecutions. Philippine officials cooperated with counterparts in other countries to rescue victims and pursue law enforcement action against suspected traffickers; two such cases led to convictions of recruiters in China and Malaysia for labor and immigration infractions.

Law enforcement officials' complicity in human trafficking remained a problem in the Philippines, and corruption at all levels of government enables traffickers to prosper. Officials in government units and agencies assigned to enforce laws against human trafficking reportedly permitted trafficking offenders to conduct illegal activities, allowed traffickers to escape during raids, extorted bribes, facilitated illegal departures for overseas workers, and accepted payments or sexual services from establishments known to traffic women and children. During the year, a judge was reported to have criminally mishandled trafficking cases, and a city prosecutor allegedly accepted a bribe to downgrade a human trafficking charge to child abuse. There were ongoing allegations that police officers at times conducted indiscriminate or fake raids on commercial sex establishments to extort bribes from managers, clients, and female victims in the sex industry, sometimes threatening the victims with imprisonment.

During the year, the government took some steps to identify and prosecute officials complicit in human trafficking, and it dismissed officials who may have facilitated trafficking, though no public officials were criminally convicted for trafficking or trafficking-related corruption. Two officials were charged under the anti-trafficking law for facilitating illegal departures of overseas workers, but these cases had not been concluded by the close of the reporting period. A Philippine ambassador abroad, accused of sexual exploitation of a domestic worker, was investigated for possible trafficking; the ambassador was recalled and currently faces charges in the Philippines for sexual harassment.

## Protection

The government sustained its efforts to identify and protect trafficking victims during the year, but overall there were inadequate resources available to serve the large number of victims in the country. In 2012, the government allocated equivalent of approximately \$615,000 to the Department of Social Welfare and Development (DSWD) to fund the Recovery and Reintegration Program for Trafficked Persons. The government reported the majority of the 2,569 victims assisted by DSWD received skills training, shelter, medical services, and legal assistance under this program; an unknown number of these also received financial assistance to seek employment or start their own businesses. The DSWD

operated 42 temporary shelters for victims of all types of abuse, and IACAT referred 135 trafficking victims to DSWD for support through its residential and community-based services. Facilities were generally inadequate to address the specific needs of trafficking victims, and at times, shelters lacked the space necessary to accommodate the influx of victims following large-scale law enforcement operations. Specialized services for male victims were inadequate; this led to male victims, including children, being released from protective care prematurely and negatively affected their rehabilitation and reintegration. The government established a center for male victims, but at the close of the reporting year it was not yet fully operational. The lack of services was particularly detrimental to male victims of sex trafficking, a growing population in the Philippines. The IACAT Operations Center established a temporary shelter for witnesses and trafficking victims that was subsequently transferred to a local government agency; the shelter offered some social services and vocational opportunities to 15 victims during the year.

The government followed formal procedures to identify and assist victims and refer them to government or NGO facilities for short- and long-term care. Numerous government agencies employed proactive identification measures; victims were identified through rescue operations, screening at departure points, embassies abroad, and calls to the national anti-trafficking help line. Many police units had specialized facilities for processing women and child victims. Due to overlapping and incomplete data collection systems across various agencies, reliable statistics for the total number of victims identified and assisted during the year were not available. Government shelters did not detain adult victims against their will, though victims who chose to reside in shelters were not permitted to leave the premises unattended. The Department of Labor and Employment (DOLE) led four operations rescuing 223 children and removed additional children from the worst forms of child labor, including forced labor and sex trafficking; as a result of these operations, four businesses alleged to be engaged in sex trafficking of minors were permanently closed. Two children captured during fighting against armed groups were allegedly detained and charged with crimes. One child inadvertently recruited into a paramilitary entity under AFP operational control was removed and referred to DSWD. During the year, the government finalized the development of a monitoring and response system for grave child rights violations, including child soldiering. No foreign trafficking victims were identified during the year. IACAT operated an anti-trafficking help line; during the year, the line received over 7,000 calls leading to the identification of 133 trafficking victims. The government encouraged victims to assist in the investigation and prosecution of their traffickers, but the serious lack of victim and witness protection programs, exacerbated by a lengthy trial process and fear of retaliation by traffickers, caused many victims to decline or withdraw cooperation. During the year, the IACAT launched its Operations Center Witness Location Program, which located 25 witnesses and victims willing to testify in cases, and assisted 88 witnesses attending hearings; DOJ increased the number of victims assisted by its witness protection program from 18 to 60, but the majority of victims did not have access to this form of protection. The DSWD continued to hold trainings on victim identification and protection throughout the year. Most local social welfare officers, however, remain inadequately trained on how to assist rescued trafficking victims, particularly children and victims of labor trafficking.

The DSWD and the Department of Foreign Affairs (DFA) coordinated with NGOs in other countries to provide temporary shelter, counseling, and medical assistance to 1,029 victims of trafficking and illegal recruitment identified abroad, and established 15 new multi-agency Filipino workers' resource centers overseas to assist workers in 36 countries with 20,000 or more Filipino workers. DSWD social workers were deployed to Philippine diplomatic missions in Malaysia and Saudi Arabia, where they assisted 2,604 Filipinos overseas. Services to victims identified overseas included plane tickets, shipment of personal items, temporary shelter, counseling, and medical assistance.

### **Prevention**

The government continued its robust efforts to prevent human trafficking during the reporting period; numerous government agencies conducted seminars and training sessions for government officials and community members, and the government provided funding to two NGOs to implement additional awareness campaigns. The IACAT and other government taskforces involved in anti-trafficking activities continued to meet regularly to share information and coordinate policies, and the IACAT partnered with the presidential taskforce against illegal recruitment to establish a joint operations center to respond to reported cases. The Philippine Overseas Employment Agency (POEA) conducted 862 pre-employment orientation seminars for over 150,000 prospective and outbound Filipino overseas workers, and the Commission on Filipinos Overseas (CFO) held targeted counseling programs for groups considered at-risk, including Filipinos seeking overseas marriages or those migrating to Europe to work as *au pairs*. The IACAT conducted a two-day anti-trafficking awareness seminar for media professionals in a region known to be a center of trafficking, and the CFO partnered with a private radio and television broadcasting association to develop a short public service announcement that aired on numerous stations between April and June 2012. During the reporting year, POEA investigated 9,029 allegations of unlawful practices by recruitment agencies and filed two cases of trafficking. The government continued to operate its two overseas passenger assistance centers to distribute awareness materials and screen passengers for signs of trafficking in regions where seaports are known to be a departure point for victims. The immigration department continued its intensified efforts to screen for potential trafficking victims at airports and seaports; this aggressive effort to "off-load" suspected victims for interviews—in essence blocking their travel from the Philippines—raised concerns that Filipinos' right to travel out of the country might be unduly restricted. There was a significant increase over the previous year in the number of potential victims identified through this method.

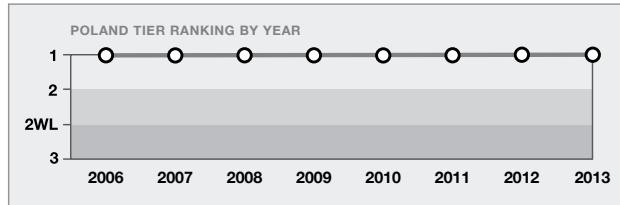
In January 2013, the government enacted the Domestic Workers Act, which provides specific protections to domestic workers including mandatory daily and weekly rest periods and the prohibition of recruitment fees charged to workers by a private agency or third party. The government's amended law on migrant workers continued the ban on deployment of Filipinos or "de-certifications" to 14 countries or territories deemed to lack adequate legal protections for workers. Afghanistan, Chad, Cuba, Haiti, Libya, Mali, Mauritania, Nepal, Niger, the Democratic People's Republic of Korea, the Palestinian Territories, Somalia, Uzbekistan, and Zimbabwe are designated as noncompliant by the DFA. During the year, the government

issued resolutions certifying Iraq, Yemen, and Eritrea, thereby allowing the flow of workers to these countries to resume. To decrease the vulnerability to trafficking of thousands of undocumented Filipino workers in the Malaysian state of Sabah, the DFA sent a Philippine consul from its embassy in Kuala Lumpur four times during the year to provide services to this population, including the provision of passports and other documents. The DFA provided anti-trafficking training to new overseas diplomats hired during the year, and the DOLE maintained 42 labor attachés in 36 diplomatic missions to assist overseas workers. The CFO, in cooperation with the IACAT, launched a series of international toll-free help lines in 16 countries that forward calls to the Philippines' national help line. In February 2013, the help line in the Philippines implemented free text messaging capabilities, though this is not yet available for all mobile phone users. Despite significant local demand in the country's thriving commercial sex trade, the government's efforts to reduce the demand for commercial sex acts in the Philippines were negligible. During the year, the government charged two child sex tourists under the anti-trafficking law and deported 15 foreign nationals for child sex crimes. The government provided training, including a module on human trafficking, to Philippine troops prior to their deployment abroad on international peacekeeping missions.

## **POLAND (Tier 1)**

Poland is a source, transit, and destination country for men and women subjected to forced labor and for women and children subjected to sex trafficking. Men and women from Poland are subjected to conditions of forced labor in Belgium, Czech Republic, Italy, the Netherlands, the Scandinavian countries, and the United Kingdom (UK). Women and children from Poland are subjected to conditions of sex trafficking within their country and also in Austria, Germany, Italy, Japan, the Netherlands, Sweden, and the UK. Women and children from Belarus, Bulgaria, Romania, and Ukraine are subjected to sex trafficking in Poland. A smaller number of women from Africa, including Cameroon, the Democratic Republic of the Congo, Djibouti, and Uganda are subjected to forced prostitution in Poland. Men from Romania, Ukraine, and Vietnam are brought to Poland for forced labor. Roma persons are recruited from Romania for forced begging in Poland.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. In 2012, authorities increased the number of trafficking investigations, prosecutions, and convictions, although half of all convicted offenders continued to receive suspended sentences. The government sustained its funding of victim protection mechanisms in all areas of the country and it provided services to more victims compared to the previous year, though it continued to face challenges in identifying victims of labor trafficking and referring child victims of sex trafficking for specialized care. The government continued to sponsor an array of awareness campaigns that targeted populations at risk for trafficking.



**Recommendations for Poland:** Continue to vigorously investigate and prosecute trafficking offenses and take steps to ensure that a majority of trafficking offenders serve time in prison; improve victim identification procedures and training to better identify victims of labor trafficking; ensure child victims of sex trafficking are referred to specialized care; increase training for prosecutors and judges on labor trafficking cases; continue to increase the shelter system's capacity to assist victims, including men and children; take systemic efforts to prevent sex trafficking of children; provide border guards with a clear mandate to investigate potential trafficking cases; incorporate the victim compensation process into criminal proceedings; amend the criminal code to ensure that identified victims of trafficking are not penalized for acts committed as a direct result of being trafficked; ensure all victims are given access to and encouraged to use the reflection period; create a centralized database to consolidate statistics on trafficking victims and related law enforcement actions; and conduct additional awareness campaigns to reduce the demand for commercial sex acts.

### Prosecution

The Government of Poland improved its anti-trafficking law enforcement efforts in 2012. Poland defines and prohibits all forms of trafficking in persons through several articles of its criminal code, including Articles 115.22, 115.23, 189a, 203, and 204.3. Prescribed punishments under these statutes range from one to 15 years' imprisonment; these sentences are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2012, Polish police investigated 60 new cases of human trafficking, an increase from 37 in 2011. The border guard began four additional investigations. The government initiated prosecutions of 24 suspected trafficking offenders and convicted 39 in 2012, an increase from 17 prosecutions and 28 convictions in 2011. In collecting data, the government only considered sentences issued after appeals to be final. In 2011, the most recent year for which post-appeal sentences were available, 63 traffickers were sentenced, compared to 60 in 2010; these sentences ranged from one to eight years' imprisonment. Similar to the previous two years, approximately half of the convicted offenders received suspended sentences. The government did not report the investigation or prosecution of any public officials for alleged complicity in human trafficking-related offenses. Nevertheless, Polish consular staff in Ukraine who had issued visas to women who may have later become victims of sex trafficking in Germany and Spain were dismissed by the Ministry of Foreign Affairs. Polish authorities collaborated on human trafficking investigations with counterparts in several European countries. During the year, the government provided anti-trafficking investigative and prosecutorial training to judges, prosecutors, labor inspectors, border guards, and police; there were reports that prosecutors and judges often lacked expertise in labor trafficking cases. Border guards lacked the mandate to investigate potential trafficking cases

that did not involve another border-related offense, such as immigration violations or possession of false documents, and lacked adequate expertise in identifying labor trafficking victims.

### Protection

The Government of Poland increased its anti-trafficking victim protection efforts in 2012, providing assistance to more victims, although the majority of child victims of sex trafficking did not receive specialized care. Most child trafficking offenses were prosecuted under Article 204.3 of the criminal code, which applies to child prostitution. Victims of child prostitution frequently received assistance from NGOs and social services, but authorities did not automatically refer these children to specialized care for trafficking victims. The police and border guard identified 282 victims of trafficking through investigations in 2012, compared to 315 victims identified in 2011. The vast majority of these victims were child victims of sex trafficking. Government agencies reportedly lacked adequate tools and expertise to identify and assist potential victims of labor trafficking. In 2012, the government sustained previous funding for victim assistance, allocating the equivalent of approximately \$250,000. The government continued to fund the NGO-run National Intervention-Consultation Center for Victims of Trafficking (KCIK) to provide assistance to foreign and Polish victims of trafficking, which provided assistance to 198 victims in 2012, up from 133 in 2011. Of the 198 victims, 145 were females and 53 were males. Slightly more than half of these victims were foreign nationals and 16 of those assisted were child victims or the children of trafficked adults. Government-funded NGOs arranged shelter for 111 victims in 2012 and also offered medical and psychological care, legal assistance, food, clothing, and employment-related training for all victims. Adult victims of trafficking were allowed to leave the shelters unchaperoned and at will. Local governments funded and operated 185 crisis intervention centers around the country, 19 of which were specifically for trafficking victims and had a capacity of 123 persons. There were no trafficking shelters designated specifically for male trafficking victims, although NGO representatives reported placing male victims in crisis centers, hostels, and hotels. KCIK placed child victims in orphanages and with foster families. The government did not systematically refer child victims of sex trafficking to KCIK, and most do not receive specialized care. KCIK also operated an anti-trafficking hotline. The victim assistance program is highly centralized, and some academic experts believed it would be more effective if local NGOs were more directly involved in working with local authorities in the victim referral process and providing assistance.

The government's witness protection program provided for a temporary residence permit, medical and psychological care, safe transportation, food, clothing, and shelter or lodging support for victims who cooperated with law enforcement. The government enrolled 56 victims into this program in 2012. The Law on Aliens offered foreign victims a three-month reflection period during which foreign victims can stay legally in Poland to deliberate whether to cooperate with the criminal process. However, no victims utilized the reflection period in 2012, reportedly because victims from EU countries did not need it and other victims preferred the residence permit that allowed them to gain employment. The Ministry of Interior and IOM continued to work together to safely repatriate foreign victims of trafficking, and in 2012 they repatriated eight victims to Bulgaria and Romania.

Victims may file civil suits against traffickers. However, the UN Special Rapporteur expressed concern that prosecutors do not adequately incorporate compensation or restitution options into criminal proceedings. There were no reports of trafficking victims punished for crimes committed as a direct result of being trafficked, although Polish law did not exonerate trafficking victims from such punishment.

### **Prevention**

The government sustained its strong anti-trafficking prevention efforts during the reporting period. The government sponsored a number of creative information campaigns, including a festival featuring films that highlight human trafficking. The Ministry of Interior worked with NGOs on a number of campaigns targeting child sex trafficking, including workshops for 435 teachers. Authorities continued to produce and distribute information to Polish citizens seeking work abroad, and the Ministry of Labor operated a website in which Polish citizens could chat with experts about finding legitimate jobs abroad. During 2012, the Interior Ministry and National Labor Inspectorate collaborated with IOM to distribute labor rights information to foreign workers in Poland. The government also sponsored three training sessions on human trafficking for labor inspectors. In 2012, the Ministry of Labor and Social Policy organized and funded four training sessions for a total of 102 persons.

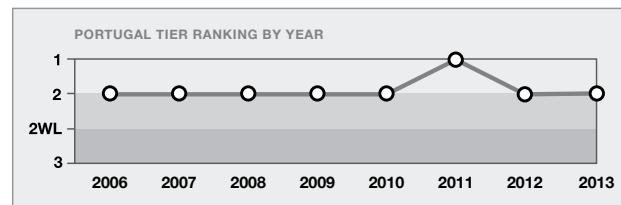
A national action plan for 2013-2015 was undergoing inter-ministerial consultations at the close of the reporting period. While the government did not have an independent national rapporteur on trafficking, the Ministry of Interior continued to systematically collect information on trafficking and in December 2012, it published its third comprehensive report on human trafficking which covered the years 2009-2011. Additionally, in February 2013, the inter-ministerial team's working group approved a report that assessed the progress made on the action plan for 2011-2012. Although multiple government agencies and NGOs collected data on trafficking victims and related law enforcement actions, no central mechanism existed to consolidate these statistics, leading to difficulty in assessing the scope of trafficking in Poland and the efficacy of law enforcement efforts. The government did not organize any programs to reduce the participation of Polish citizens in child sex tourism. The government did not run any programs specifically designed to reduce the demand for commercial sex acts, although several of its awareness campaigns discussed the potential exploitation of women in prostitution, as well as punishments for the sexual exploitation of children.

## **PORTUGAL (Tier 2)**

Portugal is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Trafficking victims identified in Portugal are from Brazil, Mozambique, Bulgaria, Ghana, Nigeria, Romania, Bosnia, Croatia, Nepal, and Thailand. A growing number of Portuguese victims are subjected to forced labor in restaurants, agriculture, and domestic work in Portugal and Spain. Roma criminal groups force vulnerable disabled and homeless populations to work. Children from eastern Europe, particularly Roma, are subjected to forced begging in Portugal, often by their families, and other children from

eastern Europe have reportedly been forced to commit property crimes. Portuguese victims are subjected to forced labor and sex trafficking after migrating to other destinations in Europe. Workers from former Portuguese colonies and other non-EU nationals based in Portugal are reportedly subjected to labor trafficking in Luxembourg, where they live in inhumane conditions and are denied wages.

The Government of Portugal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to employ standardized procedures for identifying victims of trafficking and it conducted multiple trainings to raise awareness of human trafficking among government officials. The government continued to fund a small shelter providing specialized services to female victims of trafficking. The government did not provide evidence, however, that trafficking offenders were held accountable through prosecutions, convictions, and appropriate sentences during the reporting period.



**Recommendations for Portugal:** Provide data that demonstrates the Government of Portugal vigorously prosecutes and convicts trafficking offenders and sentences them to punishments that reflect the gravity of their crimes; continue to train judges in order to raise awareness of human trafficking and encourage application of the law to obtain appropriate and dissuasive sentencing; adapt specialized services for victims of trafficking to meet the needs of labor trafficking victims, male victims, and child victims; leverage the existing network of health care workers already trained to address sexual violence and train them to better identify and respond to indicators of sex trafficking and forced labor; continue to train law enforcement officials, prosecutors, labor inspectors, social workers, and NGOs likely to be in a position to identify and assist victims of trafficking to ensure victims are protected and trafficking offenders are effectively prosecuted; ensure that, in practice, victims who are not assisting with a law enforcement investigation are confirmed as identified victims of trafficking and provided with assistance after referral by NGOs; ensure that services for victims of trafficking that are delegated to NGOs to provide, such as psycho-social assistance and assistance with immigration claims, are adequately funded; improve screening for trafficking among the vulnerable population of children in out-of-home care; consider explicitly stating in law the irrelevance of the initial consent of a victim of trafficking to improve the implementation of the anti-trafficking law; and promote efforts to reduce the demand for forced labor.

### **Prosecution**

The Government of Portugal did not demonstrate evidence of progress in holding trafficking offenders accountable during the reporting period. Portugal prohibits all forms of trafficking through Article 160 of the penal code, which prescribes penalties of three to 12 years' imprisonment—penalties

sufficiently stringent and commensurate with those for other serious crimes, such as rape. Article 160 also encompasses illicit adoption and organ removal. In addition, Article 159 prohibits slavery, Article 163 prohibits forced prostitution, and Article 175 prohibits the prostitution of children. The government reported that it prosecuted eight alleged trafficking offenders under Article 160 in 2011. The government did not report any convictions for human trafficking offenses under Article 160, nor did it disaggregate data to demonstrate how many of the eight defendants were prosecuted for forced labor or sex trafficking. The government reported it convicted six offenders under Article 159. Possible human trafficking crimes were also reportedly prosecuted under articles for pimping, criminal association, or abetting illegal aliens—crimes for which a lesser burden of proof is required and convictions are easier to obtain. The Government of Portugal is prohibited by its constitutional privacy law from releasing data on convictions for crimes for which there were fewer than three incidents recorded within a year nationwide. Because the government did not report on convictions for trafficking in persons offenses under Article 160 for 2011, it is assumed that between zero and two trafficking offenders may have been convicted under that law. A total of six convictions obtained under Article 159 in 2011 does not demonstrate vigorous prosecution, conviction, and sentencing of trafficking offenders. A network of points of contact for trafficking in persons was set up within the public prosecutor's office in 2012. The government encouraged victims to assist in prosecutions through witness protection and opportunities to testify by deposition or videoconference.

A 2013 Report on Portugal by the Council of Europe's Group of Experts on Action Against Trafficking in Human Beings (GRETA) noted concern over the low number of convictions for human trafficking. GRETA reported that of the six offenders convicted in 2011 under Article 159, three were sentenced to prison terms of eight, 12, and 20 years, as well as the payment of wages totaling the equivalent of approximately \$98,800. One offender was sentenced to four years' imprisonment, suspended on condition of payment of compensation to the victim of the equivalent of approximately \$5,200. Two offenders were sentenced to seven years and six months and five years and six months, respectively. The UNODC Human Trafficking Case Law Database listed a conviction under Article 160 for human trafficking; the offender subjected Romanian women to sex trafficking. Sentencing data for this conviction was not available.

Some NGOs reported that, while the law does not require victims to participate in law enforcement investigations in order to access services, in practice, the small number of victims who access specialized services for victims of trafficking were limited to those identified by law enforcement and who were participating in active criminal proceedings. The government trained 96 labor inspectors on how to identify and report suspected trafficking situations, and to date, nearly half of all labor inspectors have been trained on anti-trafficking awareness. The government also trained 30 prosecutors, 30 judges, and several immigration and equality officials on anti-trafficking awareness. It did not report any investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period.

## Protection

The government maintained efforts to protect and assist victims of trafficking in 2012. The government is investigating

93 identified victims of trafficking out of 125 potential victims flagged in 2012, compared to 23 confirmed out of 71 potential victims flagged in 2011. Of the 53 trafficking victims identified within Portugal in 2012, 36 were subjected to forced labor, including 31 children. Forty Portuguese men were identified abroad as victims of labor trafficking. The government continued to subsidize one NGO-run shelter in Porto that specialized in care for victims of trafficking and provided the equivalent of approximately \$136,630 to its operation in 2012, which was consistent with the level of support provided in 2011. The shelter provides legal, psychological, medical, social, education, and vocational assistance. Nine women and their minor dependents were served by the shelter in 2012. Other identified victims received from the government nutritional assistance, child protective services, and assistance with return to country of origin. Male victims were referred to homeless shelters and additional services from NGOs. NGOs reported that child victims of trafficking were under-identified; officials were not well-trained to detect trafficking indicators among the vulnerable population of children in out-of-home care. Some NGOs were reluctant to report trafficking cases to the police out of fear that an investigation might expose victims to the traffickers as potential witnesses, concern over victims' confidentiality, and apprehension that a report to law enforcement might result in a victim's removal from the country. The government maintained that victim identification and access to services is not dependent on victims' willingness to assist law enforcement. The majority of victims confirmed by the government were referred by law enforcement; in the absence of confirmed identification by the government, victims referred by NGOs but not involved in an investigation did not, in practice, receive assistance from the government. Portugal's anti-trafficking law provides for a "reflection period" of up to 60 days—time in which victims can recover before deciding whether to cooperate with law enforcement—however, no cases were reported in which a presumed victim of trafficking was granted this reflection period during the reporting period. The law also provides for a residence permit that may be issued before the end of the reflection period if the victim agrees to cooperate with law enforcement or based on a personal situation with regard to the victim's security, health, or family. Twenty-nine victims were issued a residence permit in 2012.

## Prevention

The Government of Portugal sustained efforts to prevent trafficking in persons during the year. The government adopted the UNODC "Blue Heart" campaign against human trafficking and disseminated awareness information and materials aimed at the general population through the radio, television, print media, and billboards. The government translated into Portuguese a UNODC manual for criminal justice practitioners and disseminated it to Brazil, Angola, Sao Tome and Principe, Cape Verde, Guinea Bissau, Mozambique, and East Timor. The government also organized and funded training in Lisbon for 20 law enforcement officials from Portuguese-speaking countries. The government organized a conference on labor trafficking for parliamentarians, government officials, diplomats, and NGOs. Portugal's national action plan to combat trafficking, launched in 2011, remains valid through 2013. The Commission for Citizenship and Gender Equality was responsible for coordinating anti-trafficking activities with support from a technical committee of various ministries and the presidency of the Council of Ministers. Implementation of the second phase of the national action

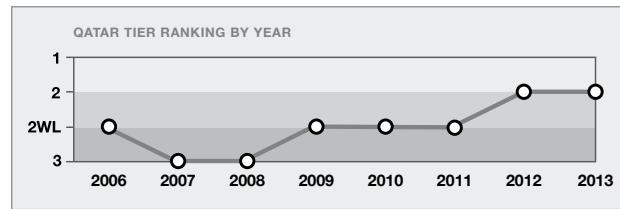
plan focused on training of labor inspectors, prosecutors, and judges. The government's Observatory on Trafficking in Human Beings maintained a website, Facebook page, and blog to promote public awareness of human trafficking. The government reported it launched several campaigns to raise public awareness on human trafficking, including among potential clients of the sex trade. The government did not demonstrate efforts to reduce the demand for forced labor. The government did not report any efforts to reduce the participation in international child sex tourism by Portuguese nationals and the government did not report any cases of alleged child sex tourism during the reporting period.

## QATAR (Tier 2)

Qatar is a destination country for men and women subjected to forced labor and, to a lesser extent, forced prostitution. Men and women from Nepal, India, Pakistan, Bangladesh, the Philippines, Indonesia, Vietnam, Sri Lanka, Ethiopia, Sudan, Thailand, Egypt, Syria, Jordan, Morocco, Tunisia, Kenya, Burma, Nigeria, and China voluntarily migrate to Qatar as low-skilled laborers and domestic servants, but many subsequently face involuntary servitude. According to Qatar University's Social and Economic Survey Research Institute, a November 2012 study found that 86 percent of expatriate workers surrendered their passports to employers. There are also reports of widespread non payment of wages. Female domestic workers are particularly vulnerable to trafficking due to their isolation in private residences and lack of protection under Qatari labor laws. Many migrant workers arriving for work in Qatar have paid exorbitant fees to recruiters in their home countries—a practice that makes workers highly vulnerable to forced labor once in Qatar. Moreover, Qatar's sponsorship system binds foreign workers to their designated employers, placing a significant amount of power in the hands of employers; because of this, when workers face abuse, they often avoid legal action because of the lengthy recourse process, fear of reprisal, or lack of knowledge of their legal rights. Qatar is also a destination for women who migrate for legitimate purposes and subsequently become involved in prostitution, but the extent to which these women are subjected to forced prostitution is unknown. Some of these women may be runaway domestic workers who have fallen prey to forced prostitution by individuals who exploit their illegal status.

The Government of Qatar does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to demonstrate efforts to address human trafficking, particularly through prosecuting trafficking offenders, proactively identifying trafficking victims, and implementing awareness campaigns. The government improved its protection measures by training officials on victim identification procedures and continued to implement a national referral mechanism. However, officials continued to punish some victims for crimes committed as a direct result of being subjected to human trafficking and only assisted victims who lodged official complaints prior to being arrested by authorities. The government continued to operate a shelter for trafficking victims, which provided a variety of protection services. Nonetheless, the government did not demonstrate efforts to abolish the sponsorship system, nor did it strictly

enforce a legal provision that criminalizes withholding of passports.



**Recommendations for Qatar:** Implement anti-trafficking legislation by increasing efforts to investigate, prosecute, convict, and punish trafficking offenses under the law; collect, disaggregate, analyze, and disseminate counter-trafficking law enforcement data; institute and consistently apply formal procedures to identify victims of trafficking among vulnerable groups, such as those arrested for immigration violations or prostitution; enforce the criminalization of passport-withholding, and mandate employees receive residence cards within one week as a means of preventing trafficking abuses; abolish or significantly amend provisions of Qatar's sponsorship law to prevent the forced labor of migrant workers, particularly as demand for migrant workers grows in association with construction for the 2022 FIFA World Cup; continue to train government officials on the anti-trafficking law and conduct anti-trafficking public awareness campaigns; and punish employers who withhold workers' wages.

### Prosecution

The Government of Qatar made limited law enforcement efforts to combat its human trafficking problem over the year. Qatar's comprehensive anti-trafficking law, Law No. 15, which was enacted in October 2011, prohibits all forms of trafficking and prescribes penalties of no more than seven years' imprisonment and up to the equivalent of \$82,000 in fines, with prescribed penalties of no more than 15 years' imprisonment for trafficking offenses committed with aggravating circumstances. These penalties are sufficiently stringent and commensurate with other serious crimes, such as kidnapping. Qatar also prohibits employers' withholding of workers' passports under the 2009 Sponsorship Law, though the law was not rigorously enforced. During the reporting period, the government reported two prosecutions for forced labor under Article 322 of the penal code, which addresses forced and bonded labor; both cases were pending at the end of the reporting period. The Qatar Foundation to Combat Human Trafficking (QFCHT), Qatar's national coordinating body for anti-trafficking activities, also referred 19 suspected trafficking cases for prosecution, eight of which involved the rape of domestic workers; however, it was unclear how many of these cases constituted human trafficking offenses. The government did not report any investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses. During the reporting period, QFCHT funded and conducted eight anti-trafficking trainings for law enforcement and judicial personnel; the Police Training Institute continued to train Ministry of Interior officials on trafficking investigations.

### Protection

The government made sustained progress in protecting victims of trafficking during the reporting period through implementation of systematic procedures to proactively

identify victims of trafficking among vulnerable populations, such as foreign workers, and the government continued to provide protective services to victims. The QFCHT continued to distribute a manual to law enforcement, immigration authorities, and social service providers on procedures to proactively identify victims of trafficking. The QFCHT continued to operate a trafficking shelter for women and children, which provided access to medical and psycho-social care, social services, rehabilitation and reintegration programs, repatriation assistance, and legal aid. Victims had the right to leave the shelter without supervision, and victims were able to access the shelter even if their employers had filed charges against them. The shelter also provided long-term housing during judicial proceedings, and shelter residents were able to earn an income through work at the shelter's rehabilitation center. The shelter assisted 40 female suspected trafficking victims, some of whom were victims of forced labor, during the reporting period. The government continued to use its national victim referral system to coordinate victim identification and referral efforts between government authorities and non-government organizations. Government officials, including police, public prosecutors, and other government ministry officials, reportedly referred some trafficking victims to the shelter in this reporting period.

While some officials encouraged victims to participate in the prosecution of trafficking offenders, other officials did not equate involuntary labor exploitation with human trafficking. Under Qatar's sponsorship law, employers, also known as sponsors, had the unilateral power to cancel workers' residency permits, deny workers' ability to change employers, report a worker as a runaway to police authorities, and deny workers permission to leave the country. As a result, some workers were afraid to report abuses or assert their rights for fear of reprisal. Victims of trafficking were often punished for unlawful acts they committed as a direct result of being subjected to human trafficking; specifically, Qatari authorities regularly arrested, detained, and deported potential trafficking victims for immigration violations and running away from their employers or sponsors. Ministry of Interior officials interviewed all detainees in the deportation center and were required to determine whether the workers were victims of trafficking and offer them protection. However, some victims occasionally languished in detention centers for up to six months because of debts owed or, more rarely, employers filed false charges of theft against them. The costs of legal representation under these circumstances were borne by the worker but were often waived by the government due to inability to pay. Domestic workers, who were not covered under the provisions of the labor law, continued to face difficulties seeking legal redress for abuses through civil court action. For example, civil suits could only be filed against an employer for that employer's failure to meet his/her financial obligations to the domestic worker; in practice, civil suits were rare but have increased in number. Trafficking victims had the option to remain in the country during judicial proceedings or request an immediate exit visa. The government and the QFCHT also transferred sponsorships and assisted in job placement for some victims who chose to remain in Qatar. The government did not offer most foreign trafficking victims legal alternatives to their removal to countries where they may face retribution or hardship.

## Prevention

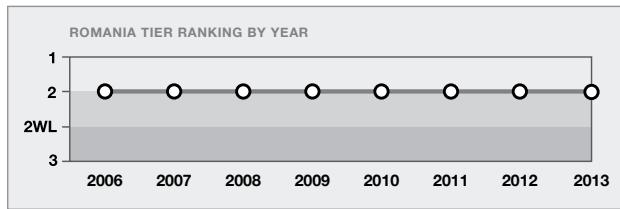
Qatar made significant progress in preventing trafficking in persons during the reporting period through raising public awareness of human trafficking and implementing its National Plan for Combating Human Trafficking for 2010-2015; however, the government did not reform Qatar's sponsorship law, which contributes to forced labor in the country. The QFCHT continued to conduct anti-trafficking awareness campaigns, and it published trafficking awareness materials for foreign workers in multiple languages. The QFCHT also hosted a regional conference with 300 participants from Arab countries to discuss human trafficking trends, and the government strengthened ties with labor-sending countries to collaborate on ways to combat trafficking. In October 2012, the QFCHT launched the National Alliance to Combat Human Trafficking, which brought together civil society and government agencies to collaborate on anti-trafficking efforts. The government also established an anti-trafficking hotline in October 2012, though it was unclear how many trafficking victims were identified through the hotline. The government routinely inspected and monitored recruitment companies and actively sought to punish companies that were found making fraudulent offers or imposing exorbitant fees in selling visas. Through a series of raids conducted by the Ministries of Interior and Labor, the government blacklisted 8,000 companies for labor law violations and cancelled the registration of 15 recruitment firms in 2012. The government also reported convicting two individuals for selling forged work visas in this reporting period. The government did not, however, systematically investigate companies to prevent passport withholding. Although the sponsorship law requires an employer to secure a residence card for laborers within seven days, reports indicated that this sometimes did not happen; this restricts migrant workers' mobility and impedes their ability to access health care or lodge complaints at the labor department. The government publicly called for adherence to Islamic principles in an effort to reduce the demand for commercial sex acts and to prevent child sex tourism of Qataris traveling abroad.

## ROMANIA (Tier 2)

Romania is a source, transit, and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Romanians represent a significant source of trafficking victims in Europe. Romanian men, women, and children are subjected to forced labor in agriculture, domestic service, hotels, and manufacturing, as well as forced begging and theft in European countries, including Austria, Azerbaijan, Cyprus, the Czech Republic, Denmark, France, Germany, Greece, Italy, Lithuania, the Netherlands, Norway, Poland, Slovakia, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom. Men, women, and children from Romania are victims of forced prostitution in European countries, including Belgium, Cyprus, Finland, France, Germany, Greece, Hungary, Malta, the Netherlands, Portugal, Slovenia, Spain, Sweden, and Switzerland. Children likely represent at least one-third of Romanian trafficking victims. Traffickers who recruit and exploit Romanian citizens are overwhelmingly Romanian themselves, typically seeking victims from the same ethnic group or within their own families. Frequently, traffickers exploit victims within Romania before transporting them abroad for forced prostitution or labor. The Romanian government reported increasing sophistication

among Romanian criminal groups, including the transportation of victims to different countries in Europe in order to test law enforcement weaknesses in each. Romania is a destination country for a small number of foreign trafficking victims, including sex trafficking victims from Moldova and labor trafficking victims from Bangladesh and Serbia. Romanian girls and boys, particularly those whose parents work abroad, are vulnerable to sex trafficking throughout Romania. The government and NGO representatives noted an increase in the number of disabled victims.

The Government of Romania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to identify a large number of victims and coordinated a national referral mechanism to ensure that police refer victims to appropriate care. Nevertheless, for a fourth consecutive year, the government did not provide funding to NGOs offering assistance to trafficking victims, and did not offer specialized shelter services in Bucharest for adults and children. Trafficking prosecutions and convictions increased significantly during the reporting period, and the government continued to sentence a high proportion of convicted offenders to prison terms. The Government of Romania's central coordinating body on anti-trafficking efforts implemented several creative public awareness campaigns during the year.



**Recommendations for Romania:** Restore government funding for trafficking victim assistance programs, including grants for NGOs providing service to victims; improve the quality of victim services, ensuring that psychological care, rehabilitation, and other victim assistance provide substantive care; construct a trafficking-specific shelter for repatriated victims in Bucharest; remove non-security related restrictions on victims' movements while housed in government-funded shelters; improve efforts to identify potential victims among vulnerable populations, such as undocumented migrants, foreign workers, Roma, and children involved in begging or prostitution; vigorously investigate and prosecute acts of trafficking-related complicity allegedly committed by government officials, and punish officials convicted of such crimes with prison sentences; improve the reporting of data on trafficking crimes prosecuted under Law No. 678/2001 and other relevant laws by disaggregating sex and labor trafficking offenses; consider offering foreign trafficking victims the right to work during the duration of their temporary residence permits; continue to provide victim sensitivity training for police and judges; and establish a national rapporteur to provide regular independent evaluations of national policies.

## Prosecution

The Romanian government significantly improved its anti-trafficking law enforcement efforts during the reporting period, conducting a high number of prosecutions and partnering with European counterparts on joint investigations. Romania prohibits all forms of trafficking in persons through Law No.

678/2001, which prescribes penalties of three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2012, Romanian authorities investigated 867 human trafficking cases, in contrast to 897 cases investigated in 2011. The government prosecuted 667 and convicted 427 trafficking offenders in 2012, compared with 480 offenders prosecuted and 276 convicted in 2011. The government does not separately compile statistics for sex and labor trafficking. Reflecting on the prevalence of child victims, 255 of the 427 convictions were tried under the "trafficking in minors" article of the anti-trafficking law, as opposed to the more generalized "trafficking in persons" article. The government reported that approximately three-quarters of the convicted trafficking offenders—334 of 427—were sentenced to some time in prison, receiving terms ranging between one and 15 years' imprisonment. The government gave specialized anti-trafficking training to police officers, although reports indicated that the training did not adequately emphasize that trafficking victims should not be prosecuted for any unlawful acts they commit as part of being trafficked. During the year, Romanian officials participated in 94 joint trafficking investigations in partnership with counterparts in several European countries. In contrast to 2011, when no suspects were extradited from Romania, the government extradited 16 suspects for trafficking crimes in 2012. The government did not report investigating, prosecuting, or convicting any government employees for trafficking-related complicity.

## Protection

The Government of Romania demonstrated weak efforts to protect and assist victims of trafficking during the reporting period, although victim identification remained high. The government reported the identification of 1,041 victims in 2012, compared with 1,043 victims identified in 2011. Sexually exploited victims numbered 526, approximately half of the total, whereas 410 victims were subjected to labor trafficking. Other victims were forced into begging, theft, or pornography. The prevalence of children in the victim population increased from 319 to 370 in 2012. Of the total number of victims, 492 were subjected to internal trafficking.

For the fourth consecutive year, the government failed to provide funding to NGOs offering protection services to trafficking victims. The continued lack of funding has reduced the level of assistance available from NGOs. The government continued to operate its national victim identification and referral mechanism, which provided formal procedures for victim referrals between law enforcement and other institutions. In 2012, the government referred 352 trafficking victims to care facilities for assistance; in 2011, 417 victims received government-funded services. Local governments financed and operated shelters, some of which were trafficking-specific. In 2012, these facilities provided shelter to 112 trafficking victims. NGOs reported that lack of freedom of movement was a significant issue in these shelters. Depending on the particular situation, trafficking victims received psychological services, school reintegration, training, legal advice, and health care. During the year, some government-funded psychological assistance reportedly was not consistently adapted to trafficking victims' needs. No trafficking-specific shelter for adult trafficking victims operated in Bucharest, the country's largest city, creating an assistance gap for victims identified in the capital or arriving there in the course of repatriation. The government maintained six transit centers for child victims

located near international border crossings, although child victims identified abroad were often repatriated by plane via the airport in Bucharest. The government provided non-specialized care for child victims at emergency reception centers for abused children, which are located in each of the 41 counties and six administrative districts of Bucharest. The government continued to operate a trafficking-specific hotline, which allowed officials to identify victims and refer them to care. During the reporting period, the government fined some sex trafficking victims for prostitution. Romanian law permitted foreign victims a 90-day reflection period to remain in the country, though the government did not report the number of victims granted this reflection period. Third country national victims of trafficking could receive a temporary residence permit to remain in the country until the completion of a prosecution, although they were not allowed to work in Romania during the time of their residence permit. Romanian trafficking victims participated in criminal prosecutions at a high rate; in 2012, 600 victims participated as an injured party in a trial and 205 victims testified, compared to 882 victims participating in 2011 and 123 testifying.

### **Prevention**

The Government of Romania improved its prevention efforts through continued robust awareness campaigns and coordination of a national strategy and action plan to combat trafficking. The National Agency against Trafficking in Persons continued to coordinate anti-trafficking policies and the national referral mechanism. During the reporting period, it worked with NGOs to develop a new national strategy against trafficking in persons for the period 2012-2016 and the action plan for 2012-2014. The government implemented six national and regional public awareness campaigns and 36 local campaigns in 2012. These campaigns were visible in primary schools, high schools, bus advertisements, televisions in metro stations, movie theaters, and on the internet. A 2006 modification to the country's criminal code newly prohibited Romania-based recruitment companies from facilitating the exploitation of citizens abroad, yet the government has never punished a company for trafficking-related acts. The government did not report specific efforts to reduce the demand for commercial sex acts.

## **RUSSIA (Tier 3\*)**

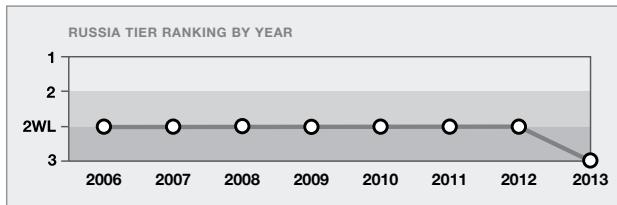
Russia is a source, transit, and destination country for men, women, and children who are subjected to forced labor and sex trafficking. Labor trafficking remains the predominant human trafficking problem within Russia; the Migration Research Center estimates that one million people in Russia are exposed to "exploitative" labor conditions characteristic of trafficking cases, such as withholding of documents, nonpayment for services, physical abuse, or extremely poor living conditions. During the year, workers from Russia and other countries in Europe, Central Asia, and Asia, including Vietnam and North Korea, were subjected to conditions of forced labor in Russia. Instances of labor trafficking have been reported in the construction, manufacturing, agriculture, repair shop, grocery store, and domestic service industries, as well as forced begging and narcotics cultivation; there were a number of cases discovered during the last year in textile or garment factories. In some of the labor trafficking cases throughout the country, foreign workers died while locked

in factories or employer-provided housing. In a factory in the Moscow suburbs, textile workers were beaten, poorly fed, refused medical care, and prohibited from leaving the factory. Human Rights Watch reports that construction of facilities for major events drew estimated tens of thousands of migrant laborers to Russia; Human Rights Watch also documented that employers of construction projects related to the upcoming Winter Olympic Games in Sochi withheld pay, disregarded contracts, and seized passports and work permits to keep workers in conditions of exploitation. There is anecdotal evidence of Russian police officers allegedly facilitating trafficking, including by returning trafficking victims to their exploiters, and of employers bribing Russian officials to avoid enforcement of penalties for engaging illegal workers. North Korean citizens imported under Russian government arrangements with the North Korea government for work in the logging industry in Russia's far east reportedly are subjected to conditions of forced labor. There were also reports of Russian citizens facing conditions of forced labor abroad.

Reports of Russian women and children subjected to sex trafficking both in Russia and abroad continued in 2012. Russian citizens are reportedly victims of sex trafficking in many countries, including in Northeast Asia, Europe, Central Asia, and the Middle East. There were also reports of citizens of European, African, and Central Asian countries being forced into prostitution in Russia.

The Government of Russia does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch List for the last nine consecutive years. In the 2011 and 2012 TIP Reports, Russia was granted consecutive waivers from an otherwise required downgrade to Tier 3 on the basis of a written plan to bring itself into compliance with the minimum standards for the elimination of trafficking. The Trafficking Victims Protection Act (TVPA) authorizes a maximum of two consecutive waivers; a waiver is no longer available to Russia, which is therefore deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3.

Prosecutions in Russia during the reporting period remained low compared to estimates of Russia's trafficking problem. While the government issued a brochure to raise awareness on trafficking, no other efforts were made to fund a national awareness campaign. An interagency committee was established to address human trafficking issues, but it has not yet met. The city of St. Petersburg allocated a building and signed a memorandum of understanding with the Russian Red Cross to open and operate an eight-bed shelter for the care of trafficking victims in St. Petersburg. When implemented, these efforts have the potential to achieve significant progress in combating human trafficking. During the reporting period, the government had not established any concrete system for the identification or care of trafficking victims, lacking any formal victim identification and referral mechanism, though there were reports of victims being identified and cared for through *ad hoc* efforts. In 2012, the government deported hundreds of labor trafficking victims found in squalid conditions in a Moscow garment factory and levied criminal charges against other trafficking victims allegedly held in servitude for a decade. The government reported minimal efforts to identify or care for the large number of migrant workers vulnerable to labor exploitation, include those preparing for international events.



**Recommendations for Russia:** Develop formal national procedures to guide law enforcement and other government officials, including labor inspectors and health officials, in identification of trafficking victims and referral of victims to service providers; allocate funding to state bodies and anti-trafficking NGOs to provide specialized trafficking victim assistance and rehabilitative care; increase efforts to identify and assist both sex and labor trafficking victims, particularly among exploited labor migrants in Russia; implement a formal policy to ensure identified victims of trafficking are not punished or detained in deportation centers for acts committed as a direct result of being trafficked; ensure that victims have access to legal alternatives to deportation to countries where they face hardship or retribution; increase the number of investigations, prosecutions, and convictions for trafficking offenses, and investigate and criminally punish government officials complicit in trafficking; create a central repository for investigation, prosecution, conviction, and sentencing data for trafficking cases; increase efforts to raise public awareness of both sex and labor trafficking; and take steps to investigate allegations and prevent the use of forced labor in construction projects and also North Korean-operated labor camps.

## Prosecution

The Government of the Russia demonstrated law enforcement efforts during the reporting period. Articles 127.1 and 127.2 of the Russian criminal code prohibit both sex trafficking and forced labor, although they also cover non-trafficking offenses. Other criminal statutes were also used to prosecute trafficking offenders, such as Articles 240 and 241 for involvement in or organizing prostitution. Article 127 prescribes punishments of up to ten years' imprisonment. These penalties are commensurate with punishments prescribed for other serious crimes, such as rape. The government investigated an increased number of cases as compared to 2011: 70 sex trafficking cases under Article 127.1, and 17 labor trafficking cases under Article 127.2 in 2012, up from 46 sex trafficking investigations and an unknown number of labor trafficking cases in the first 10 months of 2011. The government prosecuted 22 cases of sex trafficking and 10 cases of forced labor in 2012, compared with reports of at least 17 sex trafficking prosecutions in the first 10 months of 2011 and at least two labor trafficking prosecutions in 2011. Russian authorities report they often charge sex trafficking cases under Article 241 (organization of prostitution), as the elements of that crime are often easier to prove, although there is no public information on how many such cases involved forced as opposed to voluntary prostitution. In 2012, 29 trafficking offenders were convicted under Article 127.1, the article typically used for sex trafficking crimes, and five traffickers were convicted of the use of slave labor under Article 127.2, compared with a total of 32 people convicted under Article 127.1 and 11 convicted under Article 127.2 in 2011. The government reported 26 trafficking offenders were sentenced to imprisonment, seven were given suspended

sentences, and two were sentenced to other dispositions. Unofficial reports confirmed sentences of a few months' to 12 years' imprisonment, the same range of sentences reported in the last reporting period.

The government investigated sex and labor trafficking cases throughout the country, including a case involving 30 victims of sex trafficking; however, it did not pursue trafficking charges in at least two high profile cases despite indicators of coerced work and large numbers of trafficking victims. In a case involving approximately 170 Vietnamese labor trafficking victims held in a garment factory, the government did not initiate charges. During the reporting period, the interior ministry (MVD) issued a roadmap for its reform, which included the formation of an interagency anti-trafficking commission with representation of the prosecutor general's office, the ministry of foreign affairs, the federal migration service, the federal security service, the investigative committee, and other agencies. Although the interagency commission had not met during the reporting period, this commission has the potential once implemented to achieve significant progress in combating human trafficking.

The government did not report specific progress on any of the alleged cases of official complicity in human trafficking from the 2008, 2009, 2010, and 2011 TIP Reports. During the reporting period, a court in the Chuvash Republic tried the case of a former criminal investigation unit police chief who provided cover for a criminal group, the members of which were charged with inducing to prostitution, organization of prostitution, trafficking in persons, and use of slave labor. In the Samara region, a former senior investigator was charged with refusing to initiate a criminal case of deprivation of liberty of two women by a criminal group who were charged in a separate case of trafficking in persons and related crimes. In Moscow, the investigative committee initiated a criminal case against a police officer who allegedly forced two women into prostitution. The North Korean government continued to export workers for bilateral contracts with Russia and other foreign governments. Despite media allegations of slave-like conditions in North Korean-operated timber camps in Russia, the Russian government did not report any investigations into this situation. There were also no reported investigations of media reports of North Korean forced labor in the Moscow region.

The Russian authorities reportedly collaborated with some foreign law enforcement bodies on the investigation of transnational trafficking cases and sharing best practices. There were, however, reports that Russian law enforcement was not always cooperative or responsive to investigative requests from foreign governments. The government extradited an alleged trafficking offender to Uzbekistan during the reporting period. The ministry of internal affairs, the lead law enforcement agency in the majority of trafficking cases, conducted regular training during the reporting period designed to guide its officers in handling trafficking cases. According to government officials, the general procuracy, the investigative committee, the Russian Academy for Justice, the Russian Academy of Advocacy, the Ministry of Internal Affairs' Advanced Training Institutes, and the Federal Security Service provided periodic training as well.

## Protection

The Russian government demonstrated minimal progress in efforts to protect and assist trafficking victims during the reporting period; a majority of foreign labor trafficking victims remained outside of the scope of victim protection. The government did not develop or employ a formal system to guide officials in proactive identification of trafficking victims or referral of victims to available services, and there continued to be no available official statistics on the number of trafficking victims identified or assisted by the government or NGOs. The government did not publicly report any funding or programs for specific assistance to trafficking victims, and the government did not verify how many trafficking victims benefitted from funding or programs intended for other general purposes, such as witness protection, child protection, or government crisis centers, which were unlikely to accept victims who were not registered in the district in which the center is located. Foreign trafficking victims, the largest group of victims in Russia, were not entitled to access state-provided rehabilitative services. During the reporting period, the St. Petersburg municipal government granted the Russian Red Cross the space to open an eight-bed trafficking shelter. The shelter was not yet open during the reporting period. An NGO that assisted victims of labor trafficking in a high-profile case received office space from the city of Moscow in June 2012.

The government reported that it encouraged victims to participate in anti-trafficking investigations by offering witness protection provisions on a case-by-case basis to those who cooperate with officials. There were no formal legal alternatives to deportation for foreign victims. Russian authorities did not demonstrate a systematic approach to preventing trafficking victims from being punished for crimes committed as a direct result of their trafficking experience. There were reports of Russian authorities charging some suspected trafficking victims with residing illegally on the territory of Russia without the proper papers and reportedly deporting trafficking victims without offering assistance.

## Prevention

Russia's national government demonstrated limited efforts to prevent trafficking over the reporting period. During the reporting period, there were no efforts to develop public awareness of possible forced labor. During the reporting period, the MVD published and distributed an informational brochure warning on the dangers of becoming a victim of trafficking. In some parts of the country, the MVD partnered with community councils to distribute the pamphlets in public places, such as educational centers. The Commonwealth of Independent States anti-trafficking plan remained the Government of Russia's sole anti-trafficking plan.

The government did not have a body to monitor its anti-trafficking activities and make periodic assessments measuring its performance. The MVD cooperated with U.S. authorities on the investigation of seven child sex tourism cases and one exploitation case, which resulted in 88 arrests worldwide. The government did not report any specific measures to reduce the demand for commercial sex acts or to ensure that its military personnel, when deployed abroad as part of peacekeeping or other similar missions, did not engage in or facilitate human trafficking.

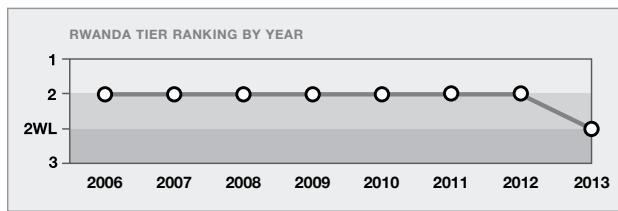
## RWANDA (Tier 2 Watch List)

Rwanda is a source and, to a lesser extent, transit and destination country for women and children subjected to forced labor and sex trafficking. Rwandan girls and, to a lesser extent, boys are exploited in domestic servitude within the country; some of these children experience nonpayment of wages and physical or sexual abuse within their employer's household. Older females offer vulnerable younger girls room and board, eventually pushing them into prostitution to pay for their expenses. In limited cases, trafficking is facilitated by women who supply other women or girls to clients, or by loosely organized prostitution networks, some operating in secondary schools and universities. Brothel owners reportedly supply girls in prostitution to clients staying at hotels. Children in Rwanda-based refugee camps are brought to Kigali, Uganda, Kenya, Sudan, and South Sudan at the hands of other refugees or Rwandan and Ugandan "sugar daddies" for use in the sex trade. Rwandan women and children are also recruited and transported to Kenya, Uganda, Democratic Republic of the Congo (DRC), Tanzania, Burundi, Zambia, South Africa, France, the Netherlands, Malaysia, China, and the United States, where they are subjected to forced agricultural and industrial labor, domestic servitude, and prostitution. Small numbers of women and children from neighboring countries and Somalia are victimized in prostitution and forced labor after being lured to Rwanda. A limited number of foreign nationals are moved through Rwanda to be exploited in third countries.

During the year, the UN Group of Experts and Human Rights Watch reported Rwandan government officials recruited children for and provided material support to the M23, an armed group operating in the eastern DRC, which also recruited children and men, at times fraudulently and by force. The Rwandan government's material support for the M23 included weapons and ammunition. The M23 carried out successful recruiting activities in Rwanda during 2012, and reportedly gained new recruits from Kigeme refugee camp and possibly other camps, and from the Nkamira transit center. Demobilized M23 soldiers in eastern DRC reported they had been recruited in Rwanda, with some citing conscription by Rwandan Defense Forces (RDF) soldiers. The UN Group of Experts cited the director of the Rwandan Demobilization and Reintegration Commission (RDRC) for forcible recruitment of recently demobilized Democratic Forces for the Liberation of Rwanda (FDLR) child and adult soldiers from its Mutobo rehabilitation center into the M23.

The Government of Rwanda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. It enacted a revised penal code, convicted two trafficking offenders, and undertook several investigations, resulting in the apprehension of suspected traffickers and the rescue of victims. The government referred child trafficking victims to protective services at a police hospital, opened four additional one-stop centers at public district hospitals—all of which screen for trafficking victimization and provide services to victims—and increased its diplomatic engagement to ensure the return of trafficked Rwandans from South Africa and East Asia. Nonetheless, the police continued to hold some trafficking victims in detention without being charged, and acknowledged the need for continued law enforcement training in victim identification and case investigation. As the government provided logistical

support to M23, a group that committed trafficking crimes during the reporting period through forced or fraudulent recruitment of children and men, Rwanda is placed on Tier 2 Watch List.



**Recommendations for Rwanda:** Do not provide military support to the M23 or assist in M23 recruiting practices; investigate and prosecute those suspected of forcibly and fraudulently recruiting men and children in support of the M23 from refugee camps or elsewhere; enforce the trafficking-specific penal code amendments through increased investigations and prosecutions of trafficking offenses; increase the number of labor inspectors and resources available to them; utilize judicial police specifically trained on gender-based violence to supplement the work of the national police's anti-trafficking unit and government's labor inspectors; establish a system to assist foreign trafficking victims with relief from deportation; ensure central government funds sent to districts for labor inspection programs are allocated to such programs; and build capacity to screen for trafficking victims at child transit centers through increased collaboration between the police and the Ministry of Gender and Family Promotion or NGOs.

## Prosecution

Although the government maintained strong efforts to investigate and prosecute some trafficking crimes, failure to stop M23 recruitment within Rwanda in 2012, which was at times reportedly supported by Government of Rwanda officials, amounts to complicity in trafficking crimes; the government has not yet acknowledged or taken action to address these crimes which took place within Rwanda. The government convicted two trafficking offenders during the year and undertook several investigations, resulting in arrests of suspected traffickers and rescue of victims in the region and outside the country. In June 2012, the government promulgated its new penal code—the first since 1977—which criminalizes trafficking in persons under a variety of articles, mostly contained in Chapter 8. This chapter, in combination with forced labor articles and other statutory sections, covers almost all forms of trafficking in persons. Although the new penal code will facilitate the work of police and prosecutors in the investigation and prosecution of trafficking cases by more adequately covering the various stages of the trafficking process, it may also result in the conflation of trafficking with other crimes, as the new definition is too narrow. It defines trafficking as a crime requiring movement, which potentially leaves some forms of trafficking uncovered; for example, it is not clear that the law criminalizes the recruitment of an individual for the purpose of forced labor in the absence of movement. Chapter 8 prescribes penalties of seven to 10 years' imprisonment or fines the equivalent of approximately \$7,900 to \$15,900 for internal trafficking, and up to 15 years' imprisonment for transnational trafficking, penalties which are sufficiently stringent and commensurate with other serious crimes. However, penalties for trafficking

crimes in other portions of the penal code differ; Article 206 (inciting adults into prostitution) and Article 178 (forced labor) prescribe penalties that are insufficiently stringent and not commensurate with other serious crimes. No cases have yet been tried under the new penal code, and prosecutions are unlikely without specialized training for police, prosecutors, and judges. In June 2012, the government enacted the Law Relating to the Rights and Protection of the Child, which outlaws child trafficking, prostitution, and slavery. Penalties for child defilement run from six months' to life imprisonment, depending on the nature of the offense. Child trafficking convictions are subject to a minimum five-year prison term, while slavery convictions carry three to 12-year prison terms.

In 2012, the Rwandan National Police (RNP) and National Public Prosecution Authority (NPPA) investigated and prosecuted several trafficking cases, which led to the conviction of two offenders and the acquittal of one defendant. NPPA continued its investigation of five additional cases at the close of the reporting period; neither the NPPA nor the RNP provided information regarding pending cases. In August 2012, Nyarugenge Intermediate Court in Kigali sentenced two Rwandan men convicted of slavery under article 390 of the 1977 penal code to five years' imprisonment; the men were part of a network of Chinese, Rwandan, and East African nationals trafficking young women and girls to China through Uganda for prostitution through fraudulent promises of employment. In another case, a Kigali intermediate court acquitted a Rwandan woman, also charged under article 390, for attempting to transport four Rwandans to Europe for unknown purposes; although the prosecution appealed the verdict to the high court and the supreme court in early 2013, both upheld the acquittal, with the supreme court citing insufficient evidence. Rwandan law enforcement cooperated with countries in the region and beyond—including Kenya, Uganda, South Africa, Malaysia, and France—to investigate transnational trafficking offenses, facilitate the repatriation of trafficking victims, and disrupt trafficking operations. In addition, in August 2012, the RNP co-hosted with INTERPOL a training exercise for officials from 12 East African nations focusing on transnational trafficking crimes and enhancing cooperation among nations in the region. Such coordinated work in the region yielded results; in July 2012, the RNP worked with Tanzanian authorities to rescue two Rwandan boys and arrest their Tanzanian trafficker. Police and immigration officials maintained strict border control measures as part of a strategy to prevent transnational child trafficking; in 2012, immigration officials cooperated with Ugandan authorities in their interception of Ugandan girls attempting to reach Malaysia via Kigali after being denied travel through Uganda's international airport.

During the year, the RNP expanded its anti-trafficking unit from four to 15 officers, and the NPPA maintained two designated prosecutors to coordinate all cases related to human trafficking. The gender desk at each of Rwanda's 75 police stations is staffed by at least one judicial police officer; all judicial police officers specializing in serious crimes have undergone training on identifying and assisting victims of trafficking, and investigating and prosecuting human trafficking cases. In 2012, the RNP trained 58 police officers on transnational crime, including human trafficking, at Rwanda's 13 border crossings. With in-kind support from the government, IOM and UNODC trained 133 police officers and district commanders, immigration officers, labor inspectors, and local officials on victim identification. Nonetheless, the lack

of awareness of human trafficking among officials remained an obstacle, and RNP officials maintained the increased number of investigators was still inadequate to investigate properly the numerous reports of forced labor, sex trafficking, and sexual exploitation of child domestic workers. All newly hired immigration officers received training on passenger profiling, document verification, and the identification of victims of trafficking in 2012; during the year, 33 officers received this training.

## **Protection**

In past years, the government was recognized for its unparalleled level of care for former child combatants; however, in 2012, though such care of child combatants and other trafficking victims continued, it provided support to the M23—a rebel group that forcibly and fraudulently recruited and used child soldiers. During the year, with partial donor support, the RDRC moved its center for child ex-combatants from Muhazi to Musanze. Following their return from the DRC by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), 66 former child combatants received three months' care, including psycho-social counseling, at the center; an increase from 52 assisted in 2011 and 47 in 2010. The RDRC worked with local authorities and an NGO to locate the children's families, and social workers sensitized families to their acceptance of the child's return; during the reporting period, RDRC staff had reunited 53 children with relatives, an increase from 21 reunited in 2011. However, there were reports that Rwandan government officials actively recruited former child soldiers for use by the M23, including from the RDRC-run demobilization and rehabilitation center in Mutobo. Reports also suggest that the RDF may have recruited individuals—some who may have been under the age of 18—from Iwawa Rehabilitation and Vocational Development Center to join M23. Furthermore, the government refused to allow the repatriation of 50 ex-M23 combatants, including 14 child soldiers, who claimed Rwandan nationality.

During the year, police identified and referred an unknown number of sex and labor trafficking victims to the Isange Center, a one-stop holistic facility within the Kaciryu police hospital in Kigali that provided a variety of assistance to victims of gender-based violence, including child domestic workers and children in prostitution. Social workers utilized a set of questions to identify potential cases of trafficking upon a person's arrival at the center. In 2012, the government opened four additional one-stop centers at public district hospitals, which also screened for trafficking victimization and provided services. Judicial police officers encouraged victims to participate in the investigation and prosecution of trafficking crimes and interviewed victims at the Isange Center rather than at police stations; these initial statements could stand as testimony if victims did not wish to appear in court. The standardized checklist used by police when working with victims required securing medical, social, and counseling services; the presence of a victim's advocate during investigations; and referrals of victims to NGOs, religious entities, or community groups for further assistance. The police headquarters in Kigali continued operating a hotline for reporting gender-based violence crimes that received several calls reporting cases of human trafficking in 2012.

The government provided an unknown amount of funding to support eight private or NGO-run child rehabilitation

centers that afforded over 200 street children—some of whom were trafficking victims—with shelter, basic needs, and rehabilitative services; it operated three transit centers for screening and referring street children, including victims of domestic servitude or prostitution, to these longer-term care facilities. The Ministry of Gender and Family Promotion (MIGEPROF) screened some of the children and young adults detained in these centers. The RNP, however, often discharged young people from the transit centers or transported them to remote districts with instructions not to return to Kigali, without screening for vulnerability to trafficking. The police also held some child victims of trafficking in detention at the transit centers, sometimes for weeks or months without being charged with a crime or interviewed in conjunction with an investigation. Due to inadequate screening, victims of trafficking could face time in prison or the Nyagatare Rehabilitation Center for unlawful acts committed as a result of being trafficked. RNP officials acknowledged that given the number of victims arrested and detained by the RNP, training in victim identification and investigation remained inadequate. Beyond providing a stay of one month, the government did not provide foreign trafficking victims with care or legal alternatives to their removal to a country where they may face hardship or retribution.

During the year, Rwandan officials worked with the Rwandan embassy in South Africa and INTERPOL to repatriate a young Rwandan woman who had been recruited with the promise of a scholarship and later forced into prostitution in Cape Town. Police worked with the Ugandan honorary consul, INTERPOL in Malaysia, and the Rwandan embassy in Japan to repatriate a Rwandan recruited in Kampala and taken to Malaysia by a Nigerian trafficker. Despite the best efforts of the Rwandan embassy in China, the government continued to encounter difficulty in working with Chinese authorities to repatriate approximately 100 Rwandan women exploited in various cities in China.

## **Prevention**

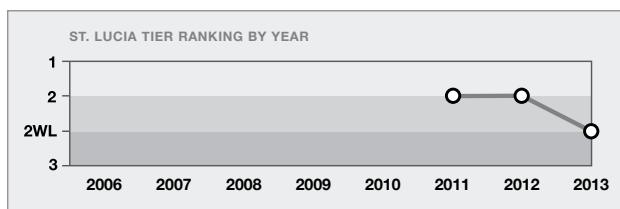
Although the government maintained its anti-trafficking prevention efforts during the reporting period, there continues to be a lack of understanding among its officials and Rwandan society of the full scope of the country's human trafficking problem. The government remained without a lead ministry or inter-ministerial coordinating body to oversee its anti-trafficking efforts. In partnership with UNODC and IOM, MIGEPROF co-sponsored anti-trafficking radio and television campaigns and undertook informational campaigns through district labor offices. During the year, the RNP detected the presence of Kampala- and Nairobi-based labor recruiters and brokers, both legitimate and fraudulent, in Rwanda and confirmed their involvement in the recruitment of workers through fraudulent offers of employment or excessive fees for migration or job placement. In 2012, the Ministry of Public Service and Labor (MIFOTRA) began drafting amendments for the labor law to include new regulations on labor recruitment. MIFOTRA continued to train all labor inspectors twice per year on how to identify and handle cases of child labor, including trafficking in persons. MIFOTRA's labor inspectors held monthly sensitization activities and quarterly trainings for employers and local authorities on child labor regulations. However, these 30 district labor inspectors were insufficient in number to fulfill their monitoring mandate, and the government did not provide them with adequate resources, including transport, to identify and prevent the use

of exploitative child labor effectively. MIFOTRA continued its public awareness campaigns on the worst forms of child labor, including trafficking, through radio shows, television announcements, and skits, and partnered with IOM and UNODC on similar campaigns. The government failed to make efforts to reduce the demand for commercial sex acts. The government trained Rwandan troops on gender sensitivity and sexual exploitation prior to their deployment to UN peacekeeping missions abroad. In addition, Rwanda also hosted a second UN training course on investigation and prevention of sexual and gender-based crimes at the Rwanda Peace Academy in Musanze District, which drew participants from 16 countries that contribute police to UN missions.

## ST. LUCIA (Tier 2 Watch List)

St. Lucia is a destination country for persons subjected to forced prostitution and forced labor. Legal and illegal immigrants from Haiti, Jamaica, the Dominican Republic, Guyana, and South Asia, especially those working in domestic service, reportedly are the groups most vulnerable to human trafficking. There are indications children under 18 are coerced to engage in commercial sex in St. Lucia. Sex trafficking victims are likely found among foreign women in prostitution. According to the police and NGOs, the most likely sex trafficking perpetrators in the country are pimps, strip club operators, and brothel owners.

The Government of St. Lucia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these limited steps, the government did not demonstrate evidence of increasing efforts to address human trafficking over the previous year; therefore, St. Lucia is placed on Tier 2 Watch List. During the reporting period, the government did not make progress in proactively identifying and assisting suspected trafficking victims or prosecuting trafficking offenders.



**Recommendations for St. Lucia:** Provide standard operating procedures to guide police, immigration, labor, child protection, and social welfare officials in the proactive identification of trafficking victims and their referral to appropriate services; provide police and other law enforcement officials with standard operating procedures on a victim-centered approach in the investigation of suspected trafficking cases; vigorously prosecute, convict, and punish perpetrators of forced labor and sex trafficking, including officials complicit in human trafficking; work with IOM to provide safe repatriation procedures for foreign victims who would like to return home; and accede to the 2000 UN TIP Protocol.

## Prosecution

The Government of St. Lucia did not make progress in addressing human trafficking through law enforcement means during the reporting period. The government prohibits all forms of trafficking through the 2010 Counter-Trafficking Act, which prescribes punishment of five to 10 years' imprisonment with fines. These penalties are sufficiently stringent and commensurate with other serious crimes, such as rape. The government did not report any investigations, prosecutions or convictions of trafficking offenders or public officials complicit in human trafficking in 2012, nor in 2011. In an apparent conflict of interest, security for sex trade establishments was reportedly sometimes provided by off-duty police officers, an arrangement that risks inhibiting law enforcement's willingness to investigate allegations of human trafficking in the sex trade. There were no standard operating procedures in place to guide law enforcement authorities in how to handle trafficking cases.

## Protection

The government made efforts to protect victims of human trafficking during the reporting period, despite resource and capacity restraints. The government funded an NGO that has assisted trafficking victims in the past. The government also reportedly ran a system of informal shelters in which victims, including male children, could seek assistance. A government-funded NGO ran a day-use shelter for girls, though there was no 24-hour residential shelter currently in the country for girls. Magistrates were forced to choose between prison or a mental institution in which to place girls needing protection. The government did not have formal procedures to guide law enforcement, health, and other officials in how to identify trafficking victims and refer them to available protection and assistance services. Strong victim protection provisions in the 2010 Counter-Trafficking Act were in place to encourage victims to participate in the investigation and prosecution of trafficking offenders. The act provides that the alleged consent of a victim to the exploitation as well as the past sexual behavior of a victim is irrelevant to her status as a victim. The act also protects trafficking victims from prosecution for crimes committed as a direct result of their being trafficked and protects foreign victims from deportation. However, the government did not report using any of these protections during the reporting period.

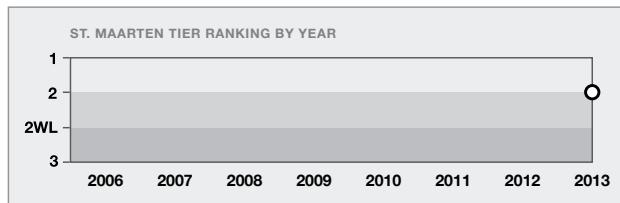
## Prevention

The government made no discernible efforts to prevent human trafficking during the reporting period. There was no national campaign to raise awareness about forced labor and forced prostitution. The government did not yet establish the inter-ministerial taskforce required by the human trafficking act. The government did not have a campaign to reduce the demand for commercial sex acts or forced labor. The government has not identified a problem with child sex tourism in St. Lucia. St. Lucia is not a party to the 2000 UN TIP Protocol.

## ST. MAARTEN (Tier 2)\*

St. Maarten is a source, transit, and destination for women, children, and men subjected to sex trafficking and forced labor. There are strong indications that some of the hundreds of foreign migrant women in St. Maarten's sex trade are subjected to debt bondage. Women and girls from Colombia, the Dominican Republic, Jamaica, and other countries in the region are the most vulnerable to becoming victims of sex trafficking. Other nationalities in the commercial sex industry that may be vulnerable to sex trafficking include women from Russia and Eastern Europe. Foreign women working in the regulated brothels and strip clubs on St. Maarten are typically granted short-term, temporary residence permits, usually valid for three to six months, after which they are required to leave the country. Strip club dancers and women in prostitution in St. Maarten are dependent upon strip club and brothel managers to obtain their work permits, thus significantly increasing their risks of sex trafficking in these establishments. Experts report that a significant number of an estimated 15,000 illegal migrant workers in the country are highly vulnerable to forced domestic service and forced labor in construction, Chinese supermarkets, retail shops, security, landscaping, and housekeeping. St. Maarten authorities reported that workers from India, Haiti, Jamaica, and other Caribbean islands are subjected to exploitative conditions involving indicators of forced labor in the country. Finally, local experts report that St. Maarten women and girls studying in the Netherlands may be vulnerable to sex trafficking by residents of the Netherlands.

The Government of St. Maarten does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated important leadership in the region by prosecuting and convicting a sex trafficking offender and holding this perpetrator accountable with jail time. Furthermore, it passed a comprehensive anti-trafficking law in 2012 that criminalizes all forms of trafficking. Near the end of the reporting period, the government launched an investigation into trafficking-related complicity involving high-level officials in the country. The government, however, did not prosecute any officials for trafficking-related complicity, which hampered its ability to authentically address its trafficking problem. The overall lack of victim identification in St. Maarten, despite a very large vulnerable population of illegal migrants and foreign women in prostitution, highlights the ineffectiveness of the government's response. This lack of victim identification likely resulted in the deportation and criminalization of trafficking victims.



**Recommendations for St. Maarten:** Make a robust and transparent effort to identify and assist potential victims of

sex trafficking and forced labor by developing and implementing formalized, proactive victim protection measures to guide officials, including health workers, on how to identify victims and how to assist victims of forced labor and sex trafficking in the regulated and unregulated sex trade; ensure enactment and implementation of the newly-passed anti-trafficking law and vigorously prosecute, convict, and sentence trafficking offenders, including officials complicit in human trafficking; demonstrate transparency and appropriate follow-through regarding the investigation of government officials alleged involvement in the licensed brothels; empower local officials to conduct outreach in local migrant communities throughout the island to uncover potential trafficking victims; integrate outreach by a Spanish-speaking victim advocate, trained in human trafficking indicators, into routine health inspections at the legal brothels to ensure the rights of women in these legal brothels are protected; conduct outreach with all incoming migrants, including domestic workers and foreign women on temporary entertainment visas to ensure they are informed of their rights and ways to seek help; continue to consult with the Government of the Netherlands on how it proactively uncovers victims of labor trafficking and sex trafficking within the commercial sex trade, including potential domestic victims; and implement a multilingual public awareness campaign directed toward potential victims, the general public, and potential clients of the sex trade.

### Prosecution

The government made progress in its anti-trafficking law enforcement efforts and improved its capacity to prosecute trafficking offenders by passing an anti-trafficking law in 2012. Furthermore, it demonstrated important leadership in the region by holding a sex trafficking offender accountable with jail time. In June 2012, St. Maarten passed a new penal code which prohibits all forms of trafficking in persons through articles 2:239–245 and prescribes penalties ranging from four to 24 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those prescribed for other serious crimes, such as rape. The government prosecuted and convicted an owner of one of St. Maarten's regulated brothels for the forced prostitution of seven Dominican women in his club. The court sentenced this offender in March 2012 to 54 months' imprisonment, 18 months of which were suspended. The offender had been in pre-trial detention since his arrest in September 2012. This case sets an important legal precedent for the country; the court findings cited the club owner's "abuse of the women's vulnerable position" and the position of power the owner had over the victims. Authorities reported that they initiated two anti-trafficking investigations during the reporting period. While authorities reported that their prosecution of a domestic servitude case in 2011 did not succeed, a subsequent 2012 decision in a civil case resulted in awarding the same victim financial compensation. In June 2012, an NGO and government immigration officials helped facilitate and organize an international donor-sponsored training on trafficking, including on indicators to identify trafficking victims. Reports during the year indicated trafficking-related complicity among high-level officials who have ties to brothels in the country.

\* St. Maarten is a semi-autonomous entity within the Kingdom of the Netherlands. The Kingdom Charter divides responsibility among the co-equal parts of the Kingdom based on jurisdiction. For the purpose of this report, St. Maarten is not a "country" to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how St. Maarten would be assessed if it were a separate, independent country.

Authorities launched an investigation into related allegations in March 2013.

## Protection

The Government of St. Maarten did not demonstrate strong victim protection efforts during the reporting period. However, in 2011, the government identified at least eight trafficking victims, including seven sex trafficking victims in a licensed brothel, and a victim of domestic servitude. Authorities ensured the domestic servitude victim was referred for protection and assistance from a local NGO and facilitated the victim's safe repatriation in coordination with IOM. The government, however, did not identify any sex trafficking victims within St. Maarten's government-licensed brothels employing foreign women in 2012. The government did not ensure that immigration officials charged with regulating these brothels employed measures to identify human trafficking victims and refer suspected victims for assistance. Furthermore, weekly required health checks of these highly vulnerable women did not include specific screening questions for indications of trafficking. Immigration authorities reported the standard enforcement response for women who escape these brothels was deportation, rather than launching an anti-trafficking investigation into the circumstances driving their escape. The government provided a small financial stipend to a local NGO, which had to rely on other funds in 2012 to assist the domestic servitude victim. Although the government reported foreign trafficking victims could be granted temporary residency permits, it did not provide evidence that it issued any such permits during the year. Furthermore, the government did not report that it had a policy to protect identified victims from being punished for crimes committed as a direct result of being trafficked. The lack of standard operating procedures for victim identification for all front-line responders, including immigration officers and health workers, hindered the government's ability to identify additional trafficking victims and likely resulted in victims' inadvertent arrest and deportation.

## Prevention

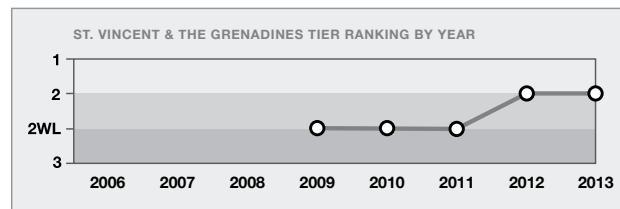
The government did not initiate any trafficking awareness campaigns to educate the general public about sex trafficking or forced labor in 2012. However, during the year, the prosecutor's office and the police conducted outreach with an Indian merchant association to educate Indian merchants about the new anti-trafficking law, alert them about the signs and indications of human trafficking, and urge compliance with local labor laws. Some officials were formal members of an NGO network that met throughout the year to discuss anti-trafficking trends. The government did not launch any awareness campaigns specifically targeting the demand for forced labor or potential clients of the sex trade in St. Maarten in an effort to reduce the demand for commercial sex acts. St. Maarten did not have a trafficking rapporteur to monitor and evaluate its anti-trafficking efforts. The government has not identified incidents of foreign child sex tourism in St. Maarten.

## ST. VINCENT AND THE GRENADINES (Tier 2)

St. Vincent and the Grenadines is a source, transit, and destination country for some men, women, and children

subjected to forced labor and sex trafficking. Officials have expressed concern about the possible existence of adults pressuring children under the age of 18 to provide sex acts to men in exchange for money or gifts, a form of sex trafficking. Officials have also raised concerns regarding foreign women engaged in prostitution in or transiting through the country. Other vulnerable groups include foreign workers and children under the age of 16 working in shops.

The Government of St. Vincent and the Grenadines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government initiated both sex and labor trafficking investigations, raised awareness about human trafficking, developed screening forms to help officials proactively identify trafficking victims among vulnerable groups, and funded the establishment of a crisis center that could assist trafficking victims. The government did not refer any potential victims to the center or launch any prosecutions against trafficking offenders.



**Recommendations for St. Vincent and the Grenadines:** Refer suspected victims of trafficking to appropriate services; develop a government-wide referral processes for various types of suspected trafficking victims (child, adult, male, female, national, non-national); identify a social worker or NGO who can coordinate assistance, serve as the victim's advocate, and liaise with law enforcement; prosecute human trafficking offenders.

## Prosecution

The Government of St. Vincent and the Grenadines demonstrated law enforcement efforts against human trafficking over the last year. The Prevention of Trafficking in Persons Bill of 2011 prohibits forced prostitution and forced labor, including bonded labor, and prescribes punishments of up to 20 years' imprisonment with fines. These penalties are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. During the reporting period, the government's special police unit focusing on human trafficking, sexual offenses, and domestic violence initiated four human trafficking investigations involving both forced labor and sex trafficking. This compares to an absence of any trafficking investigations conducted during the previous reporting period. Like the previous year, the government did not report any prosecutions or convictions of trafficking offenders during the reporting period. There were no reports of public officials complicit in human trafficking-related offenses during the reporting period. The government provided in-kind assistance to an IOM-led anti-trafficking training for officials from the police force, the Immigration Department, the Social Welfare Department, the Ministry of Foreign Affairs, the Director of Public Prosecution's Office, the Port Authority, the Attorney General's chambers, and local NGOs. The government incorporated trafficking sensitization

into the core syllabus for new recruits at the police training school.

### **Protection**

The government made modest progress in victim protection during the reporting period. The government developed screening forms to guide officials in identifying trafficking victims, and proactively identified five potential victims, a positive step that demonstrated a significant effort towards implementing its new human trafficking law. The government had not yet completed guidelines on the referral of victims to appropriate shelter and services and, as a result, the government did not refer any suspected victims to assistance, an important step in victim protection and building cases against trafficking offenders that is currently lacking. In addition, the government did not fund any trafficking-specific assistance programs, though the government funded the opening of a new short-term domestic violence shelter that could also accommodate adult women, men, and child trafficking victims. There were no reports of trafficking victims assisting law enforcement, though the government, per the provisions of its anti-trafficking law, offered incentives to encourage victims' assistance in the investigation and prosecution of human trafficking offenders. The anti-trafficking law also specifically provides alternatives to the removal of foreign victims to countries where they would face hardship or retribution, though during the reporting period, no foreign victims received such immigration relief. The trafficking law also protects victims from punishment for crimes committed as a direct result of being trafficked and there were no reports that victims were inappropriately punished during the reporting period.

### **Prevention**

The government made modest progress in preventing human trafficking during the reporting period. The government completed a human trafficking public awareness campaign that included newspaper articles, a radio call-in show, and a performance highlighting human trafficking at the National Drama Club Festival. The police continued to operate a hotline to report human trafficking cases. The police conducted trafficking sensitization training in schools for 4,130 students and 270 teachers. The police also provided trafficking awareness training to health care workers, police youth clubs, the Coast Guard, a senior citizen facility, staff of the Ministry of Health and the Environment, members of the Red Cross, and to church groups on how to identify and assist victims. The prime minister chaired a ministerial-level national anti-trafficking taskforce, and the government has plans to develop a working level coordination group. The government has not recognized the problem of foreign child sex tourists in St. Vincent and the Grenadines. The government reported no efforts to reduce the demand for commercial sex acts or forced labor.

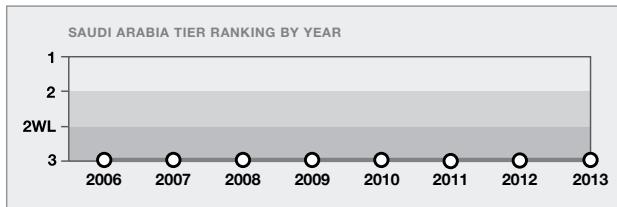
## **SAUDI ARABIA (Tier 3)**

Saudi Arabia is a destination country for men and women subjected to forced labor and, to a lesser extent, forced prostitution. Men and women from Bangladesh, India, Sri Lanka, Nepal, Pakistan, the Philippines, Indonesia, Sudan, Ethiopia, Kenya, Vietnam, Burma, and many other countries voluntarily travel to Saudi Arabia as domestic workers or low-skilled laborers, and many subsequently face conditions

indicative of involuntary servitude, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical and sexual abuse, and restrictions on movement such as the withholding of passports or confinement to the workplace. The ILO estimates that Saudi Arabia is one of the largest employers of domestic workers in the world; the domestic work sector has the highest average working hours in Saudi Arabia. Although many migrant workers sign contracts delineating their rights, some report work conditions that are substantially different from those described in the contract. Other migrant workers never see a contract at all, leaving them especially vulnerable to forced labor, including debt bondage. Due to Saudi Arabia's requirement that foreign workers receive permission from their employer to obtain an exit visa before they are able to leave the country, migrant workers report that they are forced to work for months or years beyond their contract term because their employer will not grant them an exit permit.

Women, primarily from Asia and Africa, are believed to be forced into prostitution in Saudi Arabia. Some female domestic workers are reportedly kidnapped and forced into prostitution after running away from abusive employers. Children from Yemen, Nigeria, Pakistan, Afghanistan, Chad, and Sudan are subjected to forced labor as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs. A Saudi government study conducted in 2011 reported that most beggars in Saudi Arabia are Yemenis between the ages of 16 and 25. Some Saudi nationals travel to destinations including Morocco, Egypt, Yemen, Afghanistan, Pakistan, India, and Bangladesh to solicit prostitution from women and underage girls. Some Saudi men used legally-contracted "temporary marriages" in countries such as Egypt, India, Mauritania, Yemen, and Indonesia as a means by which to sexually exploit young girls and women overseas.

The Government of Saudi Arabia does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Although the government reported that two sex trafficking offenders were convicted during the reporting period and identified some trafficking victims, including a child victim, it identified and referred fewer victims to protection services than in the previous reporting period. The government did not make systematic efforts to proactively identify trafficking victims among runaway domestic workers and children who received assistance in government-run facilities. Some Saudi police and officials continued to arrest, detain, and sometimes charge runaway and illegal migrant workers who may be unidentified trafficking victims, while police referred others to government-run facilities. The sponsorship system, including the exit visa requirement, continued to restrict the freedom of movement of migrant workers and hamper the ability of victims of exploitation and abuse to pursue legal cases against their employers. Domestic workers—a population highly vulnerable to forced labor—remained excluded from general labor law protections, and employers continued to regularly withhold workers' passports without punishment as a means of keeping workers in forced labor, despite this practice being prohibited by law.



**Recommendations for Saudi Arabia:** Reform the sponsorship system and enforce existing laws to discourage employers from withholding workers' passports and restricting workers' movements, including the arbitrary denial of exit visas, as a means of preventing trafficking abuses; significantly increase efforts to prosecute, punish, and stringently sentence trafficking offenders, including abusive employers and those culpable of sex trafficking, under the 2009 anti-trafficking law; institute a formal victim identification mechanism to identify trafficking victims among the thousands of workers deported each year for immigration violations and other crimes; ensure that victims of trafficking are not punished for acts committed as a direct result of being subjected to human trafficking, such as running away from abusive employers and being engaged in prostitution; ensure trafficking victims are able to pursue criminal cases against their employers in practice; continue to improve victim protection at government-run centers by ensuring autonomy and freedom of movement, providing on-site interpreters, and respecting residents' right to privacy; ensure that all victims of trafficking can seek assistance; enforce labor laws, and expand full labor protections to domestic workers; and continue and expand judicial training and public awareness campaigns on recognizing cases of forced labor and sex trafficking.

## Prosecution

The Government of Saudi Arabia made limited law enforcement efforts against human trafficking during the reporting period. The government did not investigate allegations of abusive employers of domestic workers in private homes and complaints of withholding workers' passports; the government relied on foreign workers to make complaints of abuse, though many workers had minimal ability to communicate such complaints to authorities. The 2009 Suppression of the Trafficking in Persons Act, promulgated by Royal Decree number M/40, defines and prohibits all forms of human trafficking, prescribing punishments of up to 15 years' imprisonment and fines of up to the equivalent of approximately \$266,700 for violations. Penalties may be increased under certain circumstances, including trafficking committed by an organized criminal group or committed against a woman, child, or person with disabilities, or if trafficking is committed by a law enforcement officer. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Since the law covers offenses that are broader than human trafficking, such as prostitution, the government must disaggregate law enforcement activity under this law to indicate which prosecutions and convictions are for trafficking. Although the 2009 anti-trafficking law does not address the withholding of passports and exit visas as means of obtaining or maintaining a person's forced labor or service, the Council of Ministers' Decision 166 of 2000 prohibits the practice of withholding workers' passports as a separate, lesser offense. The government did not report efforts to enforce the Council of Ministers'

decision prohibiting the confiscation of foreign workers' passports, residency permits, and the use of exit permits to control workers' movements; reports indicate that this practice continued to be widespread.

The government reported that it prosecuted, convicted, and sentenced 10 cases of forced labor, one case of forced begging, and two cases of sex trafficking under the anti-trafficking law during the reporting period, though the government did not provide details to demonstrate that these were human trafficking cases as defined by international standards. In these cases, the reported forced labor offenders were sentenced to imprisonment ranging from three months to one year, and the sex trafficking offender received a one-year prison term. The government provided statistics on prosecutions and convictions under the anti-trafficking law, but also reported difficulties in tracking and collecting such law enforcement data in a timely manner due to slow and overly-bureaucratic processes. The government did not report any investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses during the reporting period. The government's inter-ministerial General Secretariat to Combat Human Trafficking, in collaboration with a university, provided three workshops for government officials on combating trafficking. The Ministry of Foreign Affairs also held anti-trafficking trainings for 21 government officials.

## Protection

While Saudi Arabia made some limited progress in protecting victims, its overall efforts remained inadequate during the reporting period. The government did not implement procedures to systematically identify victims of trafficking among vulnerable populations, such as women in prostitution, foreign migrants, and domestic workers. Additionally, officials continued to arrest, detain, and sometimes prosecute victims of trafficking for unlawful acts committed as a result of being trafficked. The Saudi government acknowledged that victims of trafficking may be detained and deported because of their irregular migration status in Saudi Arabia, as some police officers arrested and deported foreign workers for running away from their employers. Some government officials did not view runaway domestic workers as potential victims of trafficking. When domestic workers' employers failed to claim them at the airport, passport officials in Najran province were required to hold them in a detention center with people who were charged with crimes or immigration violations. The Governor of Najran province, however, criticized this system and formally requested that the Ministry of Social Affairs work with local charities to offer these women shelter until their sponsors could be contacted and until the Ministry opened a shelter for domestic workers in Najran; however, there was no timeline for the opening of a shelter at the end of the reporting period. Women arrested for prostitution offenses—some of whom may be unidentified victims of trafficking—faced prosecution and, if convicted, imprisonment or corporal punishment. Moreover, at least 38 Indonesian domestic workers remained in judicial proceedings for crimes allegedly committed against their sponsors or sponsors' family members and could be sentenced to death. According to media reports, some workers who may have been subjected to conditions of forced labor were subsequently sentenced to death for crimes committed against their former Saudi employers. There was no evidence that the Saudi judiciary took into consideration the possible element of forced labor in some of these cases. Source-country embassies reported

difficulty obtaining access to their nationals—some of whom may be trafficking victims—held in detention.

Although the 2009 anti-trafficking law affords victims an explanation of their legal rights in a language they understand, physical and psychological care, shelter, security, and the ability to stay in Saudi Arabia to testify in court proceedings, many victims still sought refuge at their embassies; source country diplomatic missions reported handling thousands of complaints of unpaid wages, physical or sexual abuse, and poor working conditions experienced by their citizens in Saudi Arabia each year. No specialized shelter was available to victims of sex trafficking or male victims of trafficking. The government operated a shelter for female runaway domestic workers in Riyadh. While shelter staff made no systematic efforts to identify trafficking victims among shelter residents, the social workers visited the shelter on a monthly and as-needed basis to identify potential victims of trafficking. The Ministry of Social Affairs Anti-Begging Department also operated shelters for child beggars in various cities in the country. Women in the government's shelter experienced restrictions of their movement outside of the shelter and some restrictions on communication with family or consular contacts; women were not given access to on-site interpreters and were subjected to male staff commonly walking into their living quarters with no acknowledgement that this may be a violation of the women's privacy. In smaller cities in Saudi Arabia with poor access to such facilities, victims of trafficking were kept in jails until their cases were resolved. The government reported that it identified 51 victims of trafficking. Three of the 51 victims were Saudi nationals, and four were under the age of 18. Of the 51 victims, the government referred two women to the government's shelter and five victims to Saudi charitable organizations; some were provided hotel accommodations.

The Council of Ministers' statement accompanying the 2009 anti-trafficking law stated that victims have the right to remain in Saudi Arabia during the investigation and court proceedings. Nevertheless, victims who overstayed their visas, ran away from their employers, or otherwise violated the legal terms of their visas were sometimes jailed without being identified as victims. Some Saudi employers prevented foreign workers from leaving the country by refusing to permit them to receive exit visas, which resulted in workers working beyond their contract terms and against their will or languishing in detention centers indefinitely. Some police officers assisted victims by referring them to government shelters. Other police officials, however, returned foreign workers who reported abuse to their employers, pressured them to drop cases, or persuaded victims to take monetary compensation in lieu of filing criminal charges against their employers. Some employers filed false counter-claims against foreign workers for theft, witchcraft, and adultery in retaliation for workers' claims of abuse, which may have discouraged others from reporting abuse. Few migrants successfully pursued criminal cases against abusive employers due to lengthy delays in the immigration and justice system.

## **Prevention**

The government made some progress in preventing human trafficking during the reporting period, but systemic problems resulting from regulations of the sponsorship system persisted. The General Secretariat to Combat Human Trafficking was the main body responsible for coordinating the government's anti-trafficking efforts; the government allocated the equivalent of

approximately \$3 million for the anti-trafficking secretariat in fiscal year 2013. Nonetheless, slow and overly bureaucratic processes hampered coordination and cooperation among government agencies on anti-trafficking efforts. The government implemented regulations mandating the formation of new unified recruitment companies. According to the regulations, the unified recruitment companies will replace the prevalent model of sponsorship by individual people and companies and allow migrant workers to leave employers without losing their legal status in the country, theoretically enabling them to pursue a legal case against their abusers. In this reporting period, at least 13 unified recruitment companies were established in different parts of the kingdom, and the government reportedly began to transfer sponsorship from individuals to recruitment companies. The government reported that it established a wage payment system in the reporting period by which all foreign migrant workers must be paid through bank transfers, thereby allowing independent verification of timely and complete wage payments.

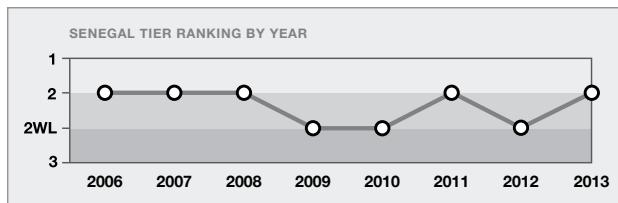
To increase workers' awareness of their rights, the Ministry of Labor continued to produce a guidebook distributed to all migrant workers entering the country in Arabic, English, and some source country languages; these guidebooks also contained a telephone number for workers to report abuse. Additionally, Saudi police maintained a 24-hour emergency anti-trafficking hotline with operators who spoke Arabic and English and several source-country languages, though it is unclear how many victims were identified through this hotline. During the fasting month of Ramadan, the government aired a clip on television and social media emphasizing the Islamic injunction to treat migrant workers decently; however, the broadcast was not trafficking-specific. During the reporting period, the anti-trafficking secretariat gave six interviews with Saudi and other Arab television channels acknowledging trafficking and forced labor in Saudi Arabia. The government took actions to reduce the demand for prostitution, as Sharia law prohibitions against prostitution were strictly enforced in Saudi Arabia. Some Saudi nationals continued to travel to Morocco, Egypt, Yemen, Afghanistan, Pakistan, India, and Bangladesh to solicit commercial sex acts with women and underage girls in prostitution, and they also continued to travel overseas to sexually exploit young girls through entering into legally-contracted "temporary marriages." The government did not report efforts to reduce the demand for child sex tourism by Saudi nationals abroad. Saudi law does not have extraterritorial coverage to prosecute Saudi nationals who commit sex tourism crimes outside of Saudi Arabia.

## **SENEGAL (Tier 2)**

Senegal is a source, transit, and destination country for children and women who are subjected to forced labor, forced begging, and sex trafficking. NGOs estimate that more than 50,000 children, most of whom are *talibes*—students attending *daaras* (Koranic schools) run by teachers known as *marabouts*—are forced to beg; in Dakar alone there are approximately 8,000 *talibes* begging in the streets. Senegalese boys and girls are also subjected to domestic servitude, forced labor in gold mines, and exploitation in the sex trade. Trafficking within the country is more prevalent than transnational trafficking, although boys from The Gambia, Mali, Guinea-Bissau, and Guinea have been identified in forced begging and forced labor in artisanal gold mines and agriculture in Senegal.

Senegalese women and girls are transported to neighboring countries, Europe, and the Middle East for domestic servitude. NGO observers believe most women and girls exploited in prostitution, however, remain in Senegal. Reports indicate that women were increasingly forced into prostitution in the southeast gold-mining region of Kedougou. Women and girls from other West African countries, particularly Liberia, Ghana, Guinea, Guinea-Bissau, Sierra Leone, and Nigeria, may be subjected to domestic servitude and commercial sexual exploitation in Senegal, including for sex tourism. During the reporting period, six Cambodian men were identified by an international organization as trafficking victims aboard a fishing vessel in Senegal's territorial waters.

The Government of Senegal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government demonstrated increased protection efforts by identifying and providing services to a significant number of child victims of trafficking and assisting in the repatriation of victims to Guinea-Bissau. It also provided a modest amount of funding to the anti-trafficking national taskforce, adopted a three-year national action plan, and began a mapping of all *daaras* to address forced begging by *marabouts*. Despite these efforts, the government failed to undertake notable law enforcement efforts, with no prosecutions or convictions during the reporting period and an overall lack of awareness of the anti-trafficking law among law enforcement and judicial personnel. The government also did not identify or provide services to any adult victims.



**Recommendations for Senegal:** Vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders for subjecting victims to involuntary servitude and sex trafficking; train police and magistrates to recognize indicators of trafficking; begin proactive victim identification programs, including screening vulnerable populations, such as women in prostitution and children begging in the streets, for indicators of trafficking; expand government-funded shelters or partner with international organizations to establish wider sheltering options for trafficking victims; develop appropriate referral pathways for victim care; expand labor investigations in the informal sector of the economy; and increase funding to the National Task Force for the implementation of the National Action Plan to Combat Trafficking.

## Prosecution

The Government of Senegal demonstrated negligible anti-trafficking law enforcement efforts during the reporting period. Senegal's 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims prohibits all forms of trafficking and prescribes penalties of five to 10 years' imprisonment for violations, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government did not maintain or

publish statistics relating to human trafficking investigations and did not report any prosecutions or convictions for trafficking during the reporting period. The government prosecuted an unknown number of *marabouts* for severely beating *talibes* who they exploited through forced begging; however, these *marabouts* were only prosecuted for child abuse crimes and were allowed to continue to engage in forced begging. In December 2012, the National Taskforce Against Trafficking Especially of Women and Children (National Taskforce), the government's designated coordinating body for anti-trafficking efforts, co-hosted with UNODC a two-day workshop to familiarize 50 magistrates with the 2005 anti-trafficking law. Many law enforcement and judicial personnel remained unaware of the anti-trafficking law's existence and may have used other statutes to investigate and prosecute trafficking cases; this lack of awareness continued to hinder efforts to collect data on human trafficking law enforcement efforts. The government did not report any investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses during the reporting period.

## Protection

The Government of Senegal made increased efforts to identify trafficking victims and provide them with protective services during the year, in contrast to 2011, when it failed to formally identify any victims of trafficking. The government identified and offered services to at least 110 child trafficking victims, including 72 from Senegal, 31 from Guinea Bissau, and seven from The Gambia, the majority of whom were victims of forced begging; of the Bissau-Guinean victims, 17 were returned to their families during the reporting period. The Ginndi Center, the only government-run shelter in Senegal, provided protective services to all 110 victims; the government appropriated the equivalent of approximately \$100,000 to the center in 2012 to provide child victims with shelter, food, medical and psychological care, family mediation and reconciliation services, and limited education and vocational training. Despite this funding, the center remained underfunded and lacking the resources to adequately pay its staff or provide any specialized training for the social workers who counsel street children and victims of trafficking. During the year, the Ginndi Center's child protection hotline received 7,200 calls concerning children in distress or requesting information; an unknown but reportedly significant number of these calls concerned cases of human trafficking. The government refers trafficking victims to other NGO-run shelters, but does not have a formal referral mechanism in place to facilitate and standardize the process and does not provide funding or other support to such shelters. The government failed to identify any adult victims of trafficking during the reporting period; it collaborated, however, to ensure the repatriation of six Cambodian trafficking victims who were identified by an international organization after being subjected to forced labor aboard a fishing vessel in Senegal's territorial waters. While the government was able to offer legal alternatives to the removal of foreign victims who may face retribution or hardship upon returning to their home countries, including the option to apply for temporary or permanent residency status, it is unclear whether any victims were given this immigration relief during the reporting period. The government did not encourage victims to participate in the investigation or prosecution of their traffickers.

## Prevention

The Government of Senegal demonstrated increased efforts to prevent human trafficking during the reporting period. It allocated the equivalent of approximately \$20,000 to the National Taskforce in 2012. Although the taskforce remained significantly underfunded, this funding demonstrated an increase from the previous year, during which the taskforce did not receive any funding and was generally inactive. The National Taskforce, in partnership with UNODC and ILO, held two conferences, one from March, attended by 55 participants, and the other from August, attended by 50 participants; both conferences were attended by members of the taskforce, in addition to representatives from government ministries and various NGOs and civil society groups. During these conferences, the National Taskforce developed and finalized a three-year national action plan. In October 2012, the National Taskforce also conducted a conference to educate 40 members of the private sector on the risks and indicators of child trafficking. However, approximately 70 percent of Senegal's economy operates in the informal sector and it is within these businesses that most forced child labor occurs; the Ministry of Labor does not regulate this sector.

In an effort to address the significant issue of forced begging of *talibes* by abusive *marabouts*, the National Taskforce began a mapping project, jointly funded by the Millennium Challenge Account (MCA) taskforce and a foreign donor, of all *daaras* in October 2012 to develop a better understanding of trafficking within *daaras*, compile a list of best practices for Koranic education in Senegal, and develop intervention strategies to improve these institutions' educational capability. Despite these initial efforts, exploitation and abuse continues. In early March 2013, a fire in one such *daara* resulted in the death of at least seven *talibe*; following this tragedy, the president and prime minister both made public statements condemning the children's deaths and called on the public to inform authorities of *daaras* that practice forced begging or where children live in unsafe conditions.

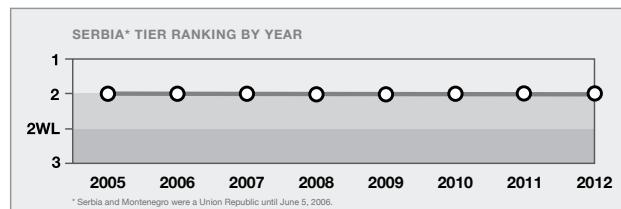
The government neither funded any anti-trafficking information or education campaigns nor took any steps to reduce the demand for commercial sex acts during the reporting period. It also failed to provide specific anti-trafficking training to Senegalese troops before their deployment abroad on international peacekeeping missions, although troops did receive training in general human rights, gender violence, and international rule of law.

## SERBIA (Tier 2)

Serbia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor, including domestic servitude and forced begging. Serbian women are subjected to sex trafficking by Serbian criminal groups in northern Italy, Germany, Montenegro, Bosnia and Herzegovina, Austria, and Sweden. Serbian nationals are subjected to labor trafficking in European countries, Azerbaijan, the United Arab Emirates, as well as in construction in Russia. Serbian victims are often subjected to trafficking by family members. Foreign victims of trafficking identified in Serbia during the past year originated from neighboring countries including Montenegro, Bosnia and Herzegovina, Bulgaria, Romania, and Moldova. Roma children

in Serbia are subjected to forced begging and compelled to commit petty crimes.

The Government of Serbia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government investigated more cases of labor trafficking, increased prosecutions of trafficking crimes, and continued to convict trafficking offenders. It also increased funding for the government center dedicated to formal identification and protection of victims and made a significant effort to improve specialized care for child victims by training foster families in coordination with an NGO. Nevertheless, the government's funding was insufficient to cover victims' rehabilitation; NGOs continued to rely heavily on international donors to provide legal assistance and reintegration services to trafficking victims. While courts made improvements in reducing the length of trials, victims were not afforded sufficient protections in criminal proceedings against repeated victimization and intimidation.



**Recommendations for Serbia:** Formalize the roles and responsibilities of officials and experienced NGO service providers to improve identification and referral of victims of trafficking to services; ensure that courts implement the full range of protections in order to diminish postponements in hearings, witness intimidation, and secondary victimization; continue to train judges and prosecutors on the impact of trauma on victims; sensitize police and social workers to issues facing Roma children and families to improve identification and protection for trafficking victims; continue to improve efforts to identify child victims of trafficking in street begging; ensure all victims are provided assistance and protection; ensure that victims are not penalized for acts committed as a direct result of their trafficking; provide legal services support to victims of trafficking; and elevate the status of the national anti-trafficking coordinator to a full-time position with independent authority.

## Prosecution

The Government of Serbia sustained anti-trafficking law enforcement efforts in 2012. Article 388 of the Serbian criminal code prohibits both sex and labor trafficking, prescribing penalties ranging from three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 390 of the criminal code prohibits "slavery or a relationship similar to slavery," prescribing penalties of one to 10 years' imprisonment. In 2012, the government reported prosecuting 45 criminal cases under Article 388, compared with 36 in 2011. Courts convicted 47 trafficking offenders in 2012 under Article 388, equal to the number convicted in 2011. Resulting sentences ranged from six months' to 10 years' imprisonment; only one sentence was suspended. The Ministry of Interior reported it filed charges against 65 trafficking suspects during the year, including 42 charges for sex trafficking, 13 for forced

begging, eight for forced labor, and three for forced criminal activity. In February 2013, a court sentenced four trafficking offenders in an organized criminal group under Article 388 to terms of incarceration from 10 to 15 years and a fine of the equivalent of approximately \$73,400, some of the most serious penalties imposed on trafficking offenders in Serbia to date. All but one of the 47 trafficking offenders convicted in 2012 were Serbian nationals.

Both the organized crime police and border police forces had specialist anti-trafficking units. Each police directorate in Serbia had an anti-trafficking unit; some also have multidisciplinary teams that included prosecutors, social workers, and health officials. The Government of Serbia did not report any investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses during the reporting period. During the reporting period, the government accredited a training program for officials responsible for assisting trafficking victims. Judges, prosecutors, and other government officials participated in a multidisciplinary training with NGOs and international experts on investigating human trafficking cases and circumventing secondary victimization in the criminal process. In coordination with international donors, the government funded a three-week immersion training on human trafficking in the Western Balkans for cadets in Serbia's police academy.

## **Protection**

The Government of Serbia provided protection and assistance to trafficking victims during the reporting period; however, the government did not formalize coordination of stakeholders in serving victims, thus some victims continued to be punished for acts committed as a direct result of being trafficked. The Government of Serbia identified 79 trafficking victims in 2012; a modest decrease from the 88 identified in 2011. Of the 79 victims, 39 were referred to NGO service providers. Eighteen victims were male, 33 victims were children, and 72 of the victims were Serbian citizens; 30 victims were subjected to forced labor, begging, or petty crime and the remainder were subjected to sex trafficking. The government increased anti-trafficking funding to the equivalent of approximately \$81,400 in 2012 from the equivalent of approximately \$54,700 in 2011. The government center for trafficking victims was fully functioning; the center's mandate is to identify victims of trafficking, conduct needs and risk assessments, and refer victims to assistance and services. The government gave limited funding to NGOs that provided shelter, legal assistance, psychological care, and reintegration services. Victims of trafficking were entitled to free medical assistance in public clinics but it was unclear whether any obtained such services. Child victims of trafficking were served in two centers for children without parental care or in an NGO-run shelter. The Serbian government did not operate a specialized shelter for men, but offered men the same social services as other victims. Victim referral roles and responsibilities of service providers and officials continued to be *ad hoc*. Victims of trafficking were eligible for temporary residence permits for an initial period of three to six months, renewable up to one year, which were not contingent on cooperation with law enforcement. In 2012, one victim of trafficking was granted temporary residency in Serbia. NGOs noted the length of trials declined, but courts failed to implement many tools to reduce secondary victimization, including video testimony or prepared statements. The government collaborated with NGOs to train over 50 foster families on the special needs of trafficked

children and to understand the impact of trauma on child development. The state prosecutor signed an Memorandum of Understanding with an anti-trafficking NGO on increasing the quality of services for trafficking victims and improving operational procedures to combat human trafficking. The government designated a prosecutor in each office to act as a point of contact for all trafficking cases and to collaborate with victim assistance providers in an effort to promote improved protection for victims' rights. Some victims were punished for acts committed as a direct result of their trafficking. In one case, a court in Belgrade recognized a victim of labor trafficking who was coerced to commit a petty crime, but a court in Novi Sad simultaneously convicted the victim of robbery and sentenced him to one year's imprisonment. An NGO noted that analysis of court documents showed that several convictions for prostitution cited use of force; however, these cases were not recorded as trafficking offenses. Children in forced begging were often charged with a petty offense rather than provided care as victims of trafficking.

## **Prevention**

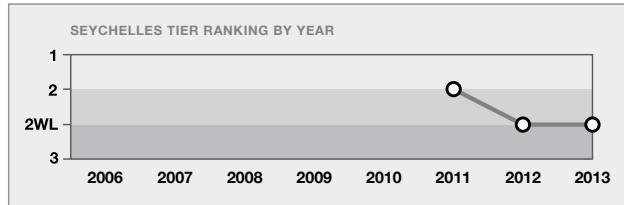
The government continued trafficking prevention efforts through public service campaigns, using billboards on public transportation to educate youth on the risks of human trafficking, and sponsoring a poster contest, with international support, to raise awareness about human trafficking. The government continued to operate a hotline to collect trafficking tips for law enforcement. While the head of the border police functioned as the national anti-trafficking coordinator, this role did not entail authority to direct other ministries. The new national anti-trafficking strategy for 2013 to 2018 was developed in coordination with NGOs and relevant stakeholders; the plan was pending adoption at the end of the reporting period. The government did not demonstrate efforts to reduce demand for commercial sex acts or forced labor during the year. Serbian nationals participated in required anti-trafficking training prior to their deployment on international peacekeeping missions.

## **SEYCHELLES (Tier 2 Watch List)**

Seychelles is a source country for Seychellois children subjected to sex trafficking and a destination country for foreign women subjected to sex trafficking. Seychellois girls and, according to some sources, boys are induced into prostitution—particularly on the main island of Mahe—by peers, family members, and pimps for exploitation in nightclubs, bars, guest houses, hotels, brothels, private homes, and on the street. Young drug addicts are also vulnerable to being forced into prostitution. Foreign tourists, sailors, and migrant workers contribute to the demand for commercial sex in Seychelles. During the reporting period, five Ukrainian women were recruited to Seychelles with promises of modeling jobs and subsequently subjected to forced prostitution in a private home; these women were later sent back to Ukraine by their traffickers, and allegedly replaced with other women. Some Indian, Bangladeshi, and Chinese migrant workers reportedly have experienced poor working conditions, including underpayment and late payment of wages and substandard housing – possible indicators of forced labor. In February 2013, as a result of increased complaints from Malagasy domestic workers regarding their treatment in the Seychelles, the *de facto* Government of Madagascar

instituted a ban on sending additional Malagasy citizens to the Seychelles for such work.

The Government of Seychelles does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate evidence of increasing efforts to address human trafficking over the previous reporting period; therefore, Seychelles is placed on Tier 2 Watch List for a second consecutive year. During the reporting period, the government failed to report any investigations, prosecutions, or convictions of trafficking offenses. It also failed to identify any victims of trafficking, and sentenced two child sex trafficking victims to time in prison. Although the national anti-trafficking committee developed a proposal for training and capacity building, no discernible steps were taken towards its implementation. The government also failed to address the issue of forced labor among migrant workers, despite increasing reports of abuse.



**Recommendations for Seychelles:** Educate government officials and the general public about the nature of human trafficking; use existing legislation to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; draft comprehensive anti-trafficking legislation that clearly defines trafficking offenses and prescribes sufficiently stringent punishments; increase prescribed penalties for forced labor offenses in Section 251 of the Penal Code Act; amend the Penal Code to harmonize the duplicative and contradictory sections addressing sexual offenses crimes—particularly those related to the exploitation of children in prostitution—to ensure the prohibition of and sufficiently stringent punishment for the prostitution of all persons under 18 years of age and the forced prostitution of adults; empower the inter-ministerial anti-trafficking committee to facilitate communication and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs by committing funds to the implementation of the committee's anti-trafficking project proposal; institute a standardized contract governing the employment of domestic workers within private homes; and launch a campaign to educate foreign tourists and migrants entering the country about the illegality of purchasing sexual services in Seychelles and the penalties prescribed by local laws.

## Prosecution

The government demonstrated limited law enforcement efforts during the reporting period. Seychelles law does not specifically prohibit human trafficking, though penal and labor code statutes prohibit slavery, forced labor, pimping, and brothel keeping, under which trafficking offenders could be prosecuted. Section 251 of the Penal Code Act prohibits and prescribes a punishment of three years' imprisonment for forced labor, a penalty which is not sufficiently stringent. Section 249 of the penal code outlaws slavery and prescribes sufficiently stringent penalties of 10 years' imprisonment. Sections 155, 156, and

138 of the penal code outlaw brothel-keeping, pimping, and procuring women or girls to engage in prostitution within Seychelles or abroad, prescribing punishments of three years', five years', and two years' imprisonment, respectively. None of these penalties are commensurate with those prescribed for other serious crimes, such as rape, for which the prescribed penalty under law is a maximum of 20 years' imprisonment. Amendments to the Penal Code, enacted in October 2012, increased the mandatory sentence to 14 years' imprisonment for sexual assault, acts of indecency, or sexual interference with children under the age of 15; this penalty is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Enforcement of laws relating to the prostitution of children continued to be hampered by unclear and conflicting statutes that fail to clearly define the ages of consent and legal majority, creating confusion between the traditionally understood age of consent of age 15 and the legal age of majority of age 18.

The government did not report investigating or prosecuting any trafficking in persons cases during the year, although the police did receive complaints relating to prostitution; it is unclear whether such complaints involved the alleged prostitution of children or whether the police pursued any related investigations. In the prior reporting period, a case was prosecuted that did not differentiate between the three traffickers who operated a brothel and two children in the brothel—all five individuals were convicted of prostitution-related offenses in March 2012 and were sentenced to and served six months' imprisonment during the reporting period. The government has never used provisions contained in the penal code or the Employment Act of 1990 to criminally punish violations of workers' rights, but instead reportedly settles disputes arising from allegations of such violations through mediation at the Employment Tribunal, thereby avoiding prosecution; information regarding cases handled by this tribunal was not available. Although the government acknowledged the need for specialized training of government officials in recognizing, investigating, and prosecuting trafficking offenses during the reporting period, it did not provide any such training. It did not report any investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses during the year.

## Protection

The government did not demonstrate adequate protection efforts during the reporting period and it punished victims for crimes they committed as a result of being trafficked. It did not identify or provide protective services to any trafficking victims; however, the Department of Social Affairs provided counseling to women in prostitution, some of whom may have been victims of forced prostitution. The government provided an unknown amount of funding to NGOs that care for victims of labor exploitation and prostitution; it is unclear how many victims, if any, were provided such services. Seychelles lacks a formal referral process to transfer trafficking victims systematically to service providers for care. The government did not provide any assistance to Ukrainian victims of forced prostitution and, despite media reports concerning similar cases, the government continued to deny that such exploitation occurs in Seychelles. Reports indicate that police arrested and detained females in prostitution, some of whom may have been children, without providing social or medical services; these women and children were typically released the following day without charge. No social services

were provided to the two girls who were prosecuted with their traffickers last year. Rather, the government sentenced them to six months' imprisonment in 2012.

### **Prevention**

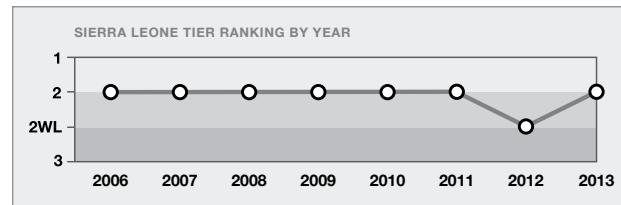
The government decreased its prevention efforts during the reporting period. Its National Anti-trafficking Committee, which is officially comprised of representatives from the police, Ministry of Social Affairs, the Attorney General Office, Ministry of Foreign Affairs, and the Ministry for Home Affairs' Immigration Division, served as a coordinating body for collaboration and communication on trafficking matters; the committee met during the reporting period and developed a training and capacity building project proposal that outlines the government's anti-trafficking goals and identifies resources needed to implement these goals. Although the development of this document is a demonstration of increased coordination, the government committed no resources to its implementation. The government did not report conducting any national awareness campaigns during the year, but did conduct limited awareness raising activities targeting youth and highlighting the dangers of commercial sexual exploitation. The Employment Department of the Ministry of Employment and Human Resource Development attested to the contracts of foreign workers migrating to Seychelles and the Immigration Division approved applications for work permits. These entities jointly maintained an automated system to monitor the immigration and employment status of migrants working within the country. The Ministry of Employment's Expatriate Employment Section maintained data on migrant workers and visited workplaces together with the Labour Monitoring and Compliance Section; these entities have never identified a case of forced labor, although cases of exploitation of Malagasy domestic workers were alleged during the year. The government made no discernible efforts to decrease the demand for commercial sex during the reporting period.

## **SIERRA LEONE (Tier 2)**

Sierra Leone is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Victims originate largely from rural provinces and are recruited to urban and mining centers for the purposes of exploitation in prostitution, domestic servitude, and forced labor in artisanal diamond and granite mining, petty trading, portering, rock-breaking, street crime, and begging. Trafficking victims may also be found in the fishing and agriculture sectors or subjected to sex trafficking or forced labor through customary practices such as forced or arranged marriages. Some Sierra Leoneans voluntarily migrate to other West African countries, including Mauritania and Guinea, as well as to the Middle East and Europe, where they are subsequently subjected to forced labor and forced prostitution. Sierra Leone may also be a destination country for children trafficked from neighboring West African countries for forced begging, forced labor, and exploitation in prostitution. During the reporting period, seven Indian nationals were subjected to forced labor within Sierra Leone.

The Government of Sierra Leone does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the

reporting period, it demonstrated increased anti-trafficking law enforcement efforts by enacting legislation that increased the penalties for child sex trafficking offenses, initiating prosecutions of seven suspected trafficking offenders, opening an investigation into alleged trafficking complicity by a government official, and removing one of its ambassadors from his post abroad based on allegations that he had engaged in domestic servitude. It also commenced a national awareness campaign and increased the number of child trafficking victims identified. However, the government did not allocate adequate financial or human resources to victims services and continued to rely heavily on NGOs and international organizations to assist trafficking victims, without providing such organizations with financial or in-kind support.



**Recommendations for Sierra Leone:** Increase prescribed penalties for adult sex trafficking offenses; increase efforts to prosecute trafficking offenses and convict and punish trafficking offenders using the 2005 Anti-Trafficking in Persons Act; in collaboration with civil society organizations, train police and prosecutors to identify, investigate, and prosecute trafficking cases; include funding for anti-trafficking activities in the national budget and begin allocating funds accordingly through the appropriate government structures, such as the national anti-trafficking in persons taskforce; train law enforcement officers and social workers to identify trafficking victims proactively among vulnerable populations, such as women in prostitution, unaccompanied minors, or undocumented migrants, and provide victims with protective services; increase partnership with NGOs that provide assistance to trafficking victims and support their efforts either financially or through in-kind donations; improve efforts to collect data on anti-trafficking law enforcement efforts and victim assistance; in collaboration with civil society organizations, increase efforts to raise public awareness about the dangers of trafficking; and accede to the 2000 UN TIP Protocol.

### **Prosecution**

The Government of Sierra Leone demonstrated an increase in anti-trafficking law enforcement efforts during the reporting period. The Anti-Trafficking in Persons Act of 2005 prohibits all forms of human trafficking and prescribes a maximum penalty of 10 years' imprisonment or a fine of the equivalent of approximately \$4,650 for both sex and labor trafficking offenses. These penalties are not sufficiently stringent and are not commensurate with penalties for other serious crimes, such as rape. The newly enacted Sexual Offenses Act increased the penalties for child sex trafficking offenses to a maximum of 15 years' imprisonment without the option of a fine and requires the police to assist victims after receipt of a trafficking complaint and to protect vulnerable witnesses. During the reporting period, the government initiated trafficking prosecutions against seven defendants, an increase over four prosecutions commenced in the previous reporting period. All seven prosecutions remained pending at the close of the

reporting period, with the seven defendants being held in pre-trial detention. The government did not convict any trafficking offenders during the reporting period, and there was no updated information on the status of prosecutions initiated during the prior reporting period. Data collection remained weak, particularly within the judiciary. The Sierra Leone police, with the assistance of a foreign donor, are developing officer training modules addressing the new Sexual Offenses Act, though it has yet to finalize and deploy these modules. The government opened an investigation into alleged complicity in child trafficking by a social worker employed by the Ministry of Social Welfare, Gender, and Children's Affairs. A Sierra Leonean ambassador posted abroad was removed from his post based on allegations that he subjected a domestic worker to forced labor during the previous reporting period.

### Protection

During the year, the Sierra Leonean government demonstrated modest efforts to protect trafficking victims. It reported its identification of at least 14 trafficking victims, an increase over four victims identified in 2011. NGOs identified an additional 25 victims. Despite concern over the number of street children who remain vulnerable to trafficking, the government did not undertake proactive measures to identify victims among this or other vulnerable populations. The government did not establish formal referral mechanisms with NGOs and international organizations, although it relied heavily on such organizations to provide services for trafficking victims. During the reporting period, the government referred seven child victims of trafficking to an NGO-run shelter, but did not provide any support to the NGO. The Sexual Offenses Act of 2012 established a number of compensatory protective measures for vulnerable witnesses in proceedings relating to a sexual offenses, including the use of protective screens, *in-camera* testimony, and the admission of video testimony; however, it is unclear if these measures were utilized during the reporting period or whether victims were encouraged to participate in the investigation of cases. There were no reports that victims were detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked. During the reporting period, the government offered temporary residency to seven Indian nationals who were victims of forced labor; these victims were housed at a police facility and eventually repatriated upon their request.

### Prevention

The government displayed modest progress in preventing trafficking crimes in 2012. Its inter-ministerial national anti-trafficking in persons taskforce, comprised of representatives from government ministries, NGOs, international organizations, and diplomatic missions, met monthly during the year and created a sub-committee to propose concrete actions to address deficiencies in the government's anti-trafficking efforts. Although the national committee launched a national awareness campaign as part of this program, the majority of the campaign was still in a planning stage at the close of the reporting period. The Ministry of Information and the National Telecommunications Commission, however, utilized government partnerships with mobile phone companies in the private sector to send out public service text messages warning about the dangers of human trafficking; over one million individuals received these messages nationwide. In October 2012, the Western Area Child Protection Committee developed a plan to address the growing issue of street children,

a population that is particularly vulnerable to being exploited by traffickers. The government took no discernible efforts to reduce the demand for commercial sex or forced labor. The government did not provide Sierra Leonean troops anti-trafficking training prior to their deployment abroad on international peacekeeping missions; however, these troops received training from a foreign donor. Sierra Leone is not a party to the 2000 UN TIP Protocol.

## SINGAPORE (Tier 2)

Singapore is a destination country for men, women, and girls from China, India, the Philippines, Indonesia, Sri Lanka, Bangladesh, Thailand, Vietnam, and elsewhere in Southeast Asia subjected to sex trafficking and forced labor. Some foreign women are recruited through offers of legitimate employment and deceived about the nature or conditions of the prospective work in Singapore. Others enter Singapore with the intention of engaging in prostitution but upon arrival are subjected to forced prostitution under the threat of serious harm, including financial harm. Child sex trafficking occurs in Singapore.

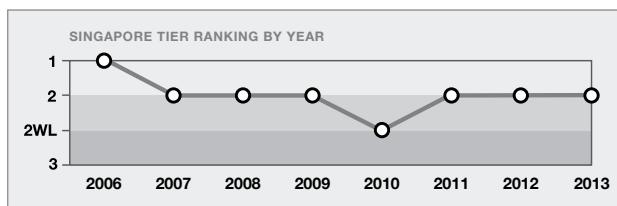
There are over 1.1 million foreign workers in Singapore, comprising more than one-third of Singapore's total labor force. The majority are unskilled and low-skilled workers employed in construction, domestic service, and the hospitality and service industries. Many foreign workers in Singapore have assumed debts associated with their employment to recruitment agencies in both Singapore and their home countries, making the workers vulnerable to forced labor, including debt bondage. Foreign workers also reported confiscation of their passports, restrictions on their movement, illegal withholding of their pay, threats of forced repatriation without pay, and physical and sexual abuse—all indicators of potential trafficking. There were reports of men subjected to forced labor on long-haul fishing boats that dock in Southeast Asian ports, including Singapore, with foreign seamen reporting severe abuse by fishing boat captains, the inability to disembark from their vessels, the inability to terminate their contracts, and the nonpayment of wages.

Some employers in Singapore have relied on repatriation companies to seize, confine, and escort foreign workers to the airport for departure from Singapore, including through the use of assaults, threats, and coercion, to prevent them from complaining about abuses to authorities. A 2010 NGO study reported that Indian, Bangladeshi, and Chinese migrant workers in Singapore paid fees to employment agencies that constitute on average at least 10 months of their potential earnings; such debt makes migrants very vulnerable to forced labor, including debt bondage. Exorbitant fees are sometimes the result of multiple layers of sub-contracting to smaller agencies and individual recruiters in source countries, commissions paid to Singaporean agencies, and, sometimes, kickbacks to Singaporean employers. To hide illegal fees, some agencies and employers reportedly mask them as payments from the worker for personal loans or as other payments, making it difficult for workers to understand how their wages were calculated and leaving them vulnerable to debt bondage. Foreign workers have credible fears of losing their work visas and being deported, since employers have the ability to repatriate workers at any time during their contracts with minimal notice. Additionally, low-skilled workers are prohibited or severely restricted from seeking alternative employment or changing employers, and

unscrupulous Singaporean employers could submit unfounded complaints about workers to encourage the government to place employment bans on them.

The Government of Singapore does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In November 2012, following consultations with NGOs involved in anti-trafficking activities, the government enacted amendments to its Employment of Foreign Manpower Act (EFMA); these amendments strengthened protections for foreign workers by increasing penalties prescribed for employers who unlawfully pass on employment costs to their workers, making them vulnerable to debt bondage. During the year, the interagency taskforce improved its overall coordination and referral mechanisms and continued to examine referrals of suspected sex and labor trafficking cases, but the lack of a legal definition of trafficking undermined the government's ability to positively identify and prosecute cases, particularly in cases where victims willingly migrated to Singapore.

The government investigated more than 400 leads, yet it substantiated only 21 trafficking cases during the year; the lack of a law defining trafficking in accordance with international standards and inadequate capacity in interviewing victims thwarted law enforcement successes and left many victims without access to full government protections, including work permits or change of employer. The government identified 15 employment agencies engaged in the confiscation of workers' travel documents, considered by the UN to be a key indicator of human trafficking, but only issued advisories to the agencies, instead of applying stringent penalties that would serve as an adequate deterrent. By allowing labor trafficking victims to work in Singapore while participating in prosecutions, the government increased the number of victims receiving benefits; however, it failed to address systematic barriers that left victims unwilling to participate, such as lengthy trials and fears of deportation. For the first time, the government allocated a budget specifically for anti-trafficking activities in the equivalent of approximately \$4.4 million for the period 2012-2015.



**Recommendations for Singapore:** Strengthen investigations, prosecutions, convictions, and punishments of both sex and labor trafficking offenders; draft and enact legislation to prohibit all forms of trafficking, apply stringent penalties to all convicted offenders, ensure consistency in interpretation and application across government agencies, and legally mandate a victim-centered approach; use existing laws to prosecute employers and employment agencies who unlawfully confiscate workers' passports as a means of holding them in a state of involuntary servitude or who use other means to extract forced labor; consider ways to expedite trafficking prosecutions; use multi-disciplinary groups, including victim service organizations or social workers during victim-screening interviews; continue to increase training for front-line officers in the identification of sex and labor trafficking and for

investigators in building cases, with a focus on identifying non-physical forms of coercion; provide funding to all non-governmental shelters providing protections to trafficking victims; ensure all victims receive adequate protections regardless of whether their cases lead to prosecution; ensure anti-trafficking efforts consistently employ a victim-centered approach, particularly with regard to child sex trafficking; continue and expand support to victims assisting in investigation in obtaining employment; extend the government's legal aid scheme to cover foreign trafficking victims to ensure all employees have equal access to judicial redress; continue and expand meaningful cooperation with civil society organizations, particularly in victim protection and support; and accede to the 2000 UN TIP Protocol.

## Prosecution

The Government of Singapore demonstrated limited efforts to prosecute trafficking in persons-related cases during the year but increased efforts to apply stringent penalties to convicted sex trafficking offenders. Singaporean law prohibits some forms of trafficking through its penal code and Women's Charter. Singaporean law does not prohibit the forced prostitution of men, though there is no evidence of this occurring in Singapore. Article 140 of the Women's Charter prohibits forced prostitution involving detention or physical force, though it does not include non-physical forms of coercion, such as debt bondage or threat of abuse of the legal process. Article 141 only prohibits the movement of women and girls for "trafficking" but does not define the term "trafficking." Penalties prescribed for sex trafficking offenses in the Women's Charter include a maximum of five years' imprisonment, which is sufficiently stringent, but not commensurate with other serious crimes, such as rape. The fact that the criminal code does not define trafficking in a manner that conforms to the 2000 UN TIP Protocol continued to limit the government's ability to prosecute trafficking cases, particularly in those where the victim initially consented to migrate to Singapore for work in a specific sector. During the year, the government obtained one conviction for child sex trafficking, compared with four convictions during the previous year. Child sex trafficking is not defined in Singaporean law, with the result that authorities classify all prosecutions related to commercial sex with children as trafficking cases in official statistics. The government demonstrated increased efforts to apply stringent penalties to convicted sex trafficking offenders; the offender convicted during the year was sentenced to 12 months' imprisonment. An offender convicted in a high-profile case during the previous reporting year was sentenced to 58 months' imprisonment and a fine. An additional 16 cases confirmed to constitute sex trafficking were identified, and the prosecutions were ongoing at the close of the year. The government failed, however, to hold labor traffickers criminally accountable; one confirmed labor trafficking case was not prosecuted but instead closed with a stern warning and another remained under investigation at the close of the reporting period. The government has never prosecuted or convicted a labor trafficking offender.

While the Ministry of Manpower (MOM) maintained responsibility for investigating all labor abuses, the police were responsible for investigating any criminal offenses under the penal code's forced labor statute. During the year, the taskforce assumed a coordinating role for suspected labor trafficking cases. Authorities identified the majority of sex trafficking cases during anti-prostitution operations. Officials

continued to face challenges in identifying and building evidence in labor trafficking cases; authorities were not well trained to identify non-physical forms of coercion, which are not defined in Singaporean law, and authorities may have failed to recognize the elements of labor trafficking among workers who reportedly migrated to Singapore willingly. The Government of Singapore maintains that it does not have jurisdiction over foreign fishermen working in offshore waters on vessels that are not Singapore-flagged, even if these vessels dock in Singapore; it did not report any prosecutions or convictions of suspected human trafficking on fishing vessels or efforts to assist victims of this form of exploitation during the year. The Government of Singapore investigated allegations of Singapore-based employment agencies recruiting and housing fishermen who later reported labor exploitation but reported it did not uncover a criminal act that could be prosecuted in Singapore. A former police superintendent and a military officer were convicted for the commercial sexual exploitation of a child and received sentences between nine and 12 weeks' imprisonment.

## Protection

The government made moderate progress in identifying and protecting trafficking victims during the year, but it provided services to fewer victims than in the previous year. The government reported that it provided funding to 22 shelters serving vulnerable children and four shelters serving adults; however, it did not operate any trafficking-specific shelters. Trafficking victims in government-supported shelters received medical, psychological, and translation services. As in previous years, most victims were housed in NGO facilities or shelters maintained by foreign embassies. In a positive step, the government allocated the equivalent of approximately \$4.4 million to anti-trafficking activities for the period of 2012-2015; it is unknown what portion of this funding will be used to augment existing social services with specific protections for trafficking victims. Government funding for shelter and social services for crime victims increased from the equivalent of approximately \$1.6 million in 2011 to the equivalent of approximately \$2.6 million in 2012; however, the government did not dedicate exclusive resources to protecting trafficking victims. The government developed a series of standard operating procedures to guide police and labor officials in identifying labor and sex trafficking victims and referring them to service providers, though it did not report the extent to which it trained relevant officials on these new procedures during the year. The interagency taskforce served as a point of contact for referrals from NGOs, law enforcement officers, and the embassies of victims' home countries. NGOs and foreign embassies reported that after referring a case to the taskforce, they were not given updates on the status of cases; this lack of transparency regarding ongoing cases interfered with service providers' ability to assist victims. The government did not report the total number of suspected or confirmed victims identified during the year, but it investigated 350 cases of suspected labor trafficking and 52 cases of suspected sex trafficking; approximately 29 sex trafficking victims were referred by foreign embassies, including eight Singaporeans. The government reported 19 sex trafficking victims and nine labor trafficking victims received accommodation from government-supported facilities; victims whose cases did not result in prosecution were repatriated within two to four weeks. Authorities continued to utilize sex trafficking indicator cards to identify victims during operations; however, victims' fears of detention or deportation may have made them

reluctant to communicate with law enforcement officers. The government did not ensure that social service professionals were present during screening interviews, which may have hampered the success of victim identification efforts and caused further trauma to victims. An increased number of child sex trafficking referrals from police during the year may be evidence of an improved awareness among police officers of this form of trafficking. The government did not ensure, however, that child victims' rights were protected; during the year, media outlets at times published the names and photos of these victims. Some MOM officers, police officers, and immigration officials utilized the labor trafficking indicator card developed in the previous reporting period, though it has not yet been deployed to all front-line officials. According to NGOs and foreign embassies, inadequate victim identification resulted in the possibility that trafficking victims were among the approximately 5,300 individuals arrested for prostitution violations during the year; such individuals may have been subjected to penalties.

The government did not provide incentives such as legal aid for the pursuit of civil suits or specialized protection services to foreign victims to participate voluntarily in investigations and prosecutions of trafficking offenses. Victims considered key witnesses were requested by the government to remain in Singapore and participate in court proceedings. Lengthy investigations and prosecutions—often six to 12 months—posed a disincentive for victims to participate. An unknown number of victims received special passes that allowed them to stay legally in Singapore for a temporary period. The requirement to be a prosecution witness placed an undue burden on victims, particularly when the victim was not granted permits to work. The MOM reported that 28 suspected labor trafficking victims who assisted the government as prosecution witnesses received authorization to work temporarily in Singapore and 33 were granted the ability to change employers, which is typically not permitted without an employer's consent. Victims with work permits could choose to reside outside shelters during court proceedings. There were reports that victims of trafficking often did not wish to file official complaints with Singaporean authorities. In addition, NGOs reported that some victims were confined to shelters and unable to leave without government permission and that some victims were required to remain in the country to participate in court proceedings. NGOs and foreign embassies reported difficulty obtaining information about victims in the government's custody. Domestic workers in Singapore, the vast majority of whom are foreigners, remained excluded from the employment act, which includes a number of basic worker protections. Fishermen faced significant difficulties when attempting to seek redress for their problems; they were not eligible under Singaporean law to file for compensation or nonpayment of salary disputes in Singapore. The government contributed funding to an NGO to establish a drop-in center for distressed fishermen but did not offer further assistance to these workers; rather, the purpose of the center is to provide an avenue for workers to contact their embassies or NGOs for assistance.

## Prevention

The government increased efforts to educate foreign workers on their employment rights in Singapore and engaged NGOs and universities to raise awareness of trafficking among the general public. However, the government's campaigns against illegal immigration may have led to the conflation of trafficking and

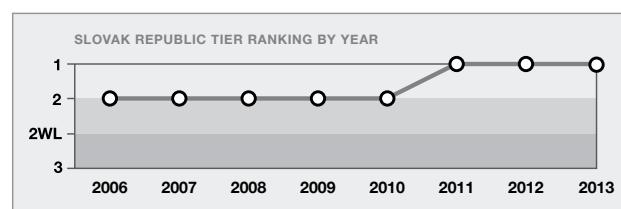
smuggling. Awareness of anti-trafficking policies remained low among the public and government officials. The government's interagency taskforce continued implementation of Singapore's national action plan for combating trafficking. Although it held a meeting with civil society stakeholders in January 2013 and accepted case referrals from NGOs throughout the year, it did not typically consult with NGOs for their expertise or share information on an ongoing basis. In January 2013, the government announced a grant of the equivalent of approximately \$64,000 for matching funds to individuals or organizations to raise awareness of human trafficking, and it allocated the equivalent of approximately \$160,000 for three research projects on the scope of trafficking in Singapore, the experiences of sex trafficking victims, and international best practices for combating trafficking. During the year, the MOM responded to 35 complaints from foreign workers who allegedly had their passports confiscated by employers or labor brokers; 15 employment agencies confirmed to be withholding passports were issued warnings and received demerit points, but the agencies or their representatives were not prosecuted for acts of trafficking. Two convictions of employers, resulting in fines, for nonpayment of salary were highly publicized. During the year, the government enacted amendments to the EFMA which included penalties for employers who pass employment costs on to workers in excess of the legal limit. Twenty-nine employers were convicted of failing to pay wages of foreign workers and received sentences ranging from fines to 20 weeks' imprisonment, and an employment agent was sentenced to seven years' imprisonment under the EFMA for charges related to fraudulent recruitment. The government maintained a dedicated help line for foreign domestic workers in distress, but the government did not report whether this line received any trafficking-related calls during the year. The government published advertisements in Bangladeshi and Filipino publications providing contact information for reporting nonpayment of wages or forced repatriation to labor authorities. The government distributed a pamphlet and published messages in an industry bulletin explaining to employers the requirement—effective January 2013—to grant domestic workers one rest day per week. Police and MOM inspectors reported receiving 350 cases of potential labor trafficking; however, the government could only substantiate two trafficking cases in 2012. Immigration officials referred 17 cases of involuntary repatriation to MOM; none of these cases were subsequently determined to constitute trafficking. Authorities continued compulsory courses on employment rights and responsibilities for all incoming foreign domestic workers and their employers, and during the year the government conducted pre-departure briefings for 2,500 workers in three labor-source countries; however, these briefings did not explicitly include information about the dangers of trafficking. The government reported investigating 70 trafficking-related labor cases and 29 prostitution cases, classified as "substantiated cases with some trafficking in persons elements," but the majority of the labor cases were dismissed with no penalties or further action. One individual was convicted of trafficking-related labor violations and sentenced to six weeks' imprisonment and a fine; in addition, two prosecutions are ongoing, two convictions are pending sentencing, and 12 cases remain under investigation. Twenty-one individuals received sentences ranging from nine weeks to four months' imprisonment for the commercial sexual exploitation of children in Singapore. The government made limited efforts to reduce the demand for forced labor or for commercial sex. Although Singaporean law provides for

extraterritorial jurisdiction over Singaporean citizens and permanent residents who sexually exploit children in other countries, the government has never investigated, prosecuted, or convicted a Singaporean national or permanent resident for child sex tourism. There were no reports of Singaporeans engaging in child sex tourism abroad during 2012. Singapore is not a party to the 2000 UN TIP Protocol.

## SLOVAK REPUBLIC (Tier 1)

The Slovak Republic (or Slovakia) is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Slovak men and women are subjected to forced labor in agriculture and construction in Western Europe, primarily in the United Kingdom. Slovak children are subjected to forced criminal behavior in the United Kingdom. Slovak women are subjected to sex trafficking in the Netherlands, Slovenia, Denmark, Germany, and other European countries. In 2012, two Slovak women were identified in forced labor in the United States. Ukrainian, Moldovan, Bulgarian, Romanian, and potentially Vietnamese men and women are forced to work in the Slovak Republic. A sharp increase of foreign citizens, mainly from Romania, begging in Slovakia may indicate potential trafficking. Victims are reportedly transported to and through the Slovak Republic from countries in the former Soviet Union and forced into prostitution within the country and throughout Europe. In 2012, a Bulgarian victim was identified in Slovakia, *en route* to Germany, and a Cameroonian victim was identified in the country after being subjected to sex trafficking in Ukraine. Slovak children, women, and men of Roma ethnicity are subjected to forced begging in Switzerland and other countries in Western Europe. Roma from socially segregated rural settlements were disproportionately vulnerable to human trafficking, as they were underemployed, and undereducated, due to lack of access to quality education in segregated schools. Traffickers, particularly prominent individuals in Roma communities, found victims through family and village networks, preying on individuals with disabilities or large debts. NGOs report that children who leave institutional care facilities lack sufficient support and sometimes fall victim to human trafficking.

The Government of the Slovak Republic fully complies with the minimum standards for the elimination of trafficking. The government continued to collaborate closely with NGOs to offer comprehensive care to trafficking victims, continued to raise awareness about human trafficking, and launched a pilot database to improve sharing of anti-trafficking information. Improvements, however, are needed. The government's efforts to proactively identify trafficking victims among vulnerable populations were inadequate. Low sentences for convicted trafficking offenders continued to be a weakness.



**Recommendations for the Slovak Republic:** Greatly increase efforts to proactively identify trafficking victims; increase efforts to identify trafficking victims in Roma communities and among beggars, including by law enforcement outreach; consider children under age 18 in prostitution as trafficking victims; continue joint inspections and improve victim identification efforts at agriculture and construction sites; consider inviting civil society groups to participate in these joint inspections; adopt systematic procedures for all relevant government ministries to refer trafficking victims—particularly children—to care facilities; establish long-term protection services for trafficking victims; continue training and capacity building for investigators, prosecutors, and judges, to ensure that trafficking crimes are vigorously prosecuted and offenders are convicted and punished with sufficient sentences; train all government officials that may come into contact with victims about human trafficking indicators; establish an independent national anti-trafficking rapporteur to produce critical assessments on the government's anti-trafficking efforts; ensure that all judicial trainings and law enforcement training programs address labor trafficking within Slovakia; conduct more robust awareness campaigns, beyond the provision of leaflets, for homes that accommodate unaccompanied minors; encourage trafficking victims to participate in investigations; ensure that law enforcement officials do not unintentionally cause harm to trafficking victims when interacting with them, particularly during investigations; provide information to unaccompanied minors on where to seek protection in Slovakia and potential destination countries; improve the functioning of the Expert Group by ensuring government agencies are accountable for complying with the government's anti-trafficking plan; amend the law to prohibit the prosecution of trafficking victims for offenses committed as a result of their trafficking; ensure the provision of adequate specialized care for male victims of trafficking; and include coverage of legal assistance in victim care funding.

### Prosecution

The Government of Slovakia continued efforts to prosecute human trafficking offenses and convict trafficking offenders during the reporting period, though sentences imposed remained weak. The Slovak Republic prohibits all forms of trafficking through Sections 179, 180, and 181 of its criminal code, which prescribe penalties between four years' and life imprisonment for trafficking offenses. These penalties are sufficiently stringent and are commensurate with those prescribed for other serious crimes, such as rape. According to the Prosecution Service, in 2012 Slovak officials initiated the prosecutions of 19 trafficking offenders, compared with prosecutions initiated of 14 offenders in 2011. The Ministry of Justice reported that 11 trafficking offenders were convicted in 2012, an increase from nine in 2011 under Section 179 and Section 246 of the previous criminal code. Short sentences given to convicted offenders remained a weakness of Slovak courts. Only seven out of the 11 offenders convicted in 2012 received prison sentences that were not suspended, which ranged from two years' to eight years' imprisonment. In 2011, three out of the nine trafficking offenders were sentenced to time in jail. The investigation of a high-profile case cited in the 2011 TIP Report involving approximately 340 forced laborers from Ukraine and Romania stalled during the year without prosecution. The pimping of children was not always charged as trafficking offenses. The government did not report any investigations or prosecutions of public officials for alleged

complicity in trafficking-related offenses during the reporting period. The Slovak Judicial Academy continued to incorporate trafficking in persons in its non-compulsory curriculum of basic prosecutorial and judicial training programs.

### Protection

The Slovak government displayed mixed efforts to protect victims of trafficking during the reporting period. The government, sometimes in partnership with an international organization, trained hundreds of government officials, including police in the migration and organized crime units, diplomats, labor inspectors, and orphanage staff on victim identification techniques. Despite this training, Slovak law enforcement authorities made very weak efforts to proactively identify trafficking victims. The Labor Inspectorate jointly examined agriculture and construction sites with police, but failed to identify trafficking victims despite indicators of forced labor in agriculture. There was no information on how many trafficking victims were proactively identified by government officials, beyond the Ministry of Interior's identification, in partnership with an international organization, of a Cameroonian victim. Most victims were identified by civil society groups. In 2012, 37 trafficking victims were identified, approximately 15 of whom were labor trafficking victims. The government does not have a national, established system to refer identified victims to protection services, but some government institutions have procedures to refer victims to care facilities. There were no special procedures for the referral of child trafficking victims for care. Twenty-two of the 37 identified victims entered into the government-funded victim care program—compared with 31 victims received by care facilities in 2011—where shelter and specialized care services were provided by NGOs. Adult victims were permitted to leave the shelters without a chaperone and at will. There was no information on the welfare of the victims that were not provided with protection services. The government did not provide long-term rehabilitation assistance to trafficking victims. Seven of these 22 victims were subjected to forced labor, and two of the 22 victims were foreign women. Foreign children who left a specialized facility for unaccompanied children may have been subsequently subjected to human trafficking in third countries; a recent Council of Europe GRETA report concluded that the care of unaccompanied minors in Slovakia needs improvement.

The government did not encourage victims to participate in trafficking investigations. NGOs reported that victims risked secondary victimization during the investigative process, when victims were interviewed multiple times. While the government can offer foreign victims, upon their identification, renewable 90-day legal status in Slovakia to receive assistance and shelter and to consider whether to assist law enforcement, no foreign victim has ever been granted this status. The law authorized the extension of permanent residence to victims of trafficking who faced hardship or retribution if returned to their country of origin; however, no such residence permits have ever been issued. There were no reports that the government penalized victims for unlawful acts committed as a direct result of being trafficked during the year, although the law does not prohibit the prosecution of trafficking victims.

### Prevention

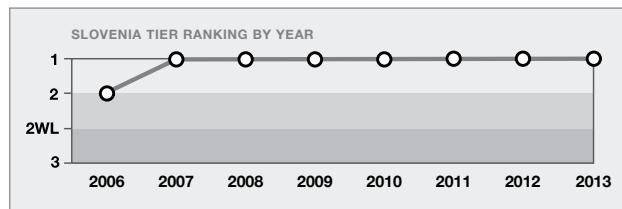
The government sustained its activities to prevent human trafficking. The government continued to fund an anti-

trafficking hotline operated by IOM. The government launched an anti-trafficking campaign targeting parents of potential victims, which included billboards and posters. In December 2012, the MOI launched a pilot database to share anti-trafficking information. The MOI and IOM distributed leaflets targeting potential victims at airports, land border entry points, detention facilities for undocumented migrants, and facilities for unaccompanied children. The government continued to coordinate its anti-trafficking activities through its Expert Group for the Area of the Fight against Trafficking in Human Beings, a multidisciplinary entity involving officials from various ministries, local governments, and NGOs. In 2012, the government introduced a change which brings the final approval of the Expert Group recommendations to a cabinet-level council on crime prevention, whose conclusions are binding for all ministries. These changes, when implemented, may address NGO complaints that government agencies which were charged with anti-trafficking responsibilities were not held accountable. The government did not establish a national rapporteur, as it is obliged to do under Article 19 of the European Union anti-trafficking directive. The government did not conduct any activities to reduce the demand for commercial sex during the year. The government did not provide training sessions on human trafficking for Slovak security personnel prior to their deployment abroad on international peacekeeping missions.

## SLOVENIA (Tier 1)

Slovenia is a transit and destination country and, to a lesser extent, a source country for men, women, and children subjected to forced labor and sex trafficking. Foreign women and children are subjected to sex trafficking and men, women, and children to forced labor in Slovenia. Victims of labor exploitation in Slovenia come from Ukraine, Romania, Serbia, and Bosnia and Herzegovina. Sometimes these persons migrate through Slovenia to Italy, Austria, and Germany, where they are subsequently subjected to forced labor. Women and children from Slovenia, Moldova, Serbia, Croatia, Ukraine, Romania, Slovakia, the Czech Republic, and the Dominican Republic are subjected to forced prostitution within the country and also transit through Slovenia to Western Europe, primarily to Italy and Germany, where they face the same form of exploitation.

The Government of Slovenia fully complies with the minimum standards for combating trafficking in persons. The government improved its law enforcement efforts during the reporting period, as authorities launched more trafficking investigations and prosecutions and convicted offenders under its trafficking statute. NGOs receiving government funds offered comprehensive care to adult and child victims of trafficking. The government sustained efforts to prevent trafficking by funding an outreach campaign, releasing an action plan and an annual report, leading a regional forum to coordinate trafficking investigations, and training government employees who encounter vulnerable populations on victim identification.



**Recommendations for Slovenia:** Vigorously investigate and prosecute sex trafficking and labor trafficking offenses, and convict and punish trafficking offenders under the trafficking in persons law; bolster training for investigators, prosecutors, and judges in applying the human trafficking statute; increase efforts to identify victims of both sex and labor trafficking among vulnerable populations, including women in prostitution, dancers in nightclubs, and children in begging; ensure that potential trafficking victims are fully informed of their rights upon identification; increase the number of victims referred to NGOs for assistance; ensure that proper and safe facilities exist to assist child victims of trafficking; continue prevention outreach to vulnerable populations, such as Roma children; and raise awareness of forced labor and forced prostitution among the general public.

### Prosecution

The Government of Slovenia demonstrated improved anti-trafficking law enforcement efforts in 2012, as trafficking investigations and prosecutions increased and its judiciary utilized the trafficking statute to convict trafficking offenders. Slovenia prohibits all forms of trafficking in persons through Article 113 of its criminal code, which prescribes penalties ranging from one to 15 years' imprisonment for offenses. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government also prosecutes some trafficking cases under Article 112, which prohibits enslavement. In the previous reporting period, the government prosecuted some trafficking cases under Article 175, which prohibits participation in the exploitation of prostitution; Article 175 covers more than trafficking crimes, because it also applies to cases in which a defendant passively profits from the prostitution of another. In 2012, the government conducted 13 trafficking investigations, compared with four in 2011. Authorities prosecuted 27 suspected trafficking offenders, compared with 16 in 2011. The government convicted eight traffickers in 2012, including two under Article 112. This was an improvement from 2011, in which authorities did not convict any trafficking offenders under articles 112 or 113 but convicted six under Article 175. The eight offenders convicted in 2012 received prison terms ranging from one year to four years and eight months. Two of these sentences also included restitution, which marked the first time Slovenian courts forfeited funds from convicted traffickers. The Ministry of Interior provided training for investigators on trafficking and labor exploitation and for state prosecutors on prosecuting trafficking in persons cases. In fall 2011, approximately 160 judges participated in a training on human trafficking that is provided by the government biannually. Slovenian police cooperated with Bulgarian and Slovak entities in two separate transnational investigations. There were no investigations or prosecutions of public officials for alleged complicity in trafficking-related crimes during the reporting period.

## Protection

The Government of Slovenia sustained victim protection efforts during the reporting period. In 2012, the government allocated the equivalent of approximately \$132,200 for victim protection, compared to the equivalent of approximately \$137,800 in 2011. In June 2012, media reports documented the sex trafficking of women recruited from the Dominican Republic under the guise of work as entertainers in Slovenia, in which traffickers took advantage of lax regulations to have residency permits issued to the women. The reports also alleged that Slovenian officials were being pressured by politically connected businessmen into issuing the residence permits. A foreign government's intervention stopped the issuance of these visas, and there have been no further reports of such cases. NGOs reported identifying and assisting 15 of these trafficking victims; the remaining 52 victims identified in this investigation declined assistance. The government funded comprehensive victim protection provided by two NGOs, including crisis accommodation, long-term accommodation, telephone counseling, psycho-social support, repatriation assistance, help in establishing contact with the police and court monitors, and assistance adjusting immigrant status. Victims housed in government-funded shelters were permitted to leave at will and unescorted. Assistance was available to both male and female, adult and child, and foreign and Slovenian victims of trafficking. The Slovenian Aliens Act provides a three-month reflection period, after which foreign victims of trafficking can receive victim protection if they participated in criminal proceedings. In cases of participation in pre-trial and criminal proceedings, foreign victims received a temporary residence permit that lasts until the end of proceedings, or longer if the victim was employed or in school. During the reporting period, four victims cooperated with law enforcement on trafficking cases; all four received temporary residence permits. Police officers were required to employ a referral procedure—reflecting a previous agreement between police and the Ministry of the Interior—to direct identified trafficking victims to NGOs offering care facilities for trafficking victims. Police must provide protective escort for trafficking victims during legal proceedings. There were no reports of victims punished for unlawful acts committed as a direct result of being trafficked.

## Prevention

The government sustained strong efforts to prevent human trafficking during the reporting period. The government coordinated its anti-trafficking efforts through the Ministry of Interior's Interdepartmental Working Group (IDWG), which brought together representatives of the relevant ministries, the National Assembly, the state prosecutor, and NGOs. The working group met six times during the year, published a national action plan for 2012-2013, and published the national coordinator's annual report evaluating the government's anti-trafficking efforts. The IDWG spent the equivalent of approximately \$15,700 on its anti-trafficking outreach campaign, which used television, radio, Internet, and in-person outreach programs to target potential trafficking victims, particularly young people. The IDWG also conducted several training programs for border police, labor inspectors, asylum officers, and consular officers, as well as public servants who issue temporary residence permits. NGOs called for the government to do more in the area of international cooperation regarding the exchange of information on victims and their relatives. The Slovenian government led efforts to implement

a forum with other southeast European states to coordinate trafficking investigations and develop best practices for victim protection. The government did not take significant measures during the reporting period to reduce the demand for commercial sex acts or participation in international sex tourism by Slovenian nationals.

## SOLOMON ISLANDS (Tier 2 Watch List)

The Solomon Islands is a source and destination country for local and Southeast Asian men and women subjected to forced labor and forced prostitution. Women from China, Indonesia, Malaysia, and the Philippines are recruited from their home countries for legitimate work, often paying large sums of money in recruitment fees, and upon arrival are forced into prostitution. Men from Indonesia and Malaysia are recruited to work in the Solomon Islands' logging and mining industries, and may be subsequently subjected to forced labor in industrial camps. Local children, many under the age of 15, are subjected to prostitution, sometimes in exchange for money or fish, particularly near foreign logging camps, on foreign and local commercial fishing vessels, and at hotels and entertainment establishments. Children are sold by their parents for marriage to foreign workers at logging and mining companies; some of these girls are later forced into domestic servitude and prostitution in the logging and fishing areas, or in their foreign husbands' home countries. Local boys and girls are put up for "informal adoption" by their family members in order to pay off debts, and some are subsequently subjected to sexual servitude and forced labor as domestic servants. Traffickers are known to gain access to their victims through taxi drivers, local contacts, and pimps. The Solomon Islands is a destination country for foreign tourists who engage in child sex tourism.

The Government of the Solomon Islands does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government undertook modest measures, such as establishing an *ad-hoc* Solomon Islands Trafficking-in-Persons Advisory Committee (TIPAC), supporting committee members' study trip to the Philippines, and establishing an informal victim assistance referral procedure for law enforcement. It did not, however, pass necessary implementing regulations for the newly enacted anti-trafficking legislation, the absence of which prevented prosecution of trafficking offenders. Therefore, Solomon Islands is placed on Tier 2 Watch List.



**Recommendations for the Solomon Islands:** Draft and pass implementing regulations for the immigration bill; publicly recognize and condemn incidences of trafficking; make greater efforts to investigate, prosecute, and punish trafficking offenders, such as suspected offenders of child prostitution occurring in or near logging camps; investigate

the forced prostitution of foreign women and prosecute their traffickers and clients; adopt and implement proactive procedures to identify victims of trafficking among vulnerable groups, such as foreign workers in the fishing industry and women and children in prostitution; institute a campaign to raise public awareness of human trafficking in the country; implement the draft national action plan for countering trafficking in persons; and accede to the 2000 UN TIP Protocol.

### **Prosecution**

The Government of the Solomon Islands demonstrated limited progress in its anti-trafficking law enforcement efforts during the reporting period. The government enacted anti-trafficking legislation in early 2012; however, absent implementing regulations, authorities were unable to use the legislation to prosecute alleged traffickers. The anti-trafficking legislation prohibits and punishes all forms of trafficking in persons and prescribes a penalty of up to five years' imprisonment or a fine of 45,000 "penalty points" (the equivalent of approximately \$6,700) or both for the trafficking of adults, and a penalty of up to 10 years' imprisonment or a fine of 90,000 penalty points (the equivalent of approximately \$13,300) or both for the trafficking of children. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Also contained in the bill is a provision that prohibits and punishes the withholding of travel or identity documents for the purpose of facilitating human trafficking; the penalty is imprisonment not exceeding two years or 20,000 penalty points—the equivalent of approximately \$2,960—or both. The bill provides immunity from prosecution for trafficking victims for such crimes as illegal entry into the country, illegal residence or procurement, or possession of a false identification document. TIPAC reported identifying more than 30 potential trafficking cases, but due to lack of formal investigation against these cases, it was not possible to determine the nature of these cases. The Immigration Division reported a case involving 23 Malaysian loggers who were subjected to trafficking-related abuse; the logging company issued fraudulent work permits to the workers and forced them to sign contracts that contradicted the legal requirements for the issuance of the work permits. When two workers complained about conditions, company representatives detained and threatened them in front of the other loggers. In February 2013, authorities identified an Asian woman who was allegedly forced into prostitution at a resort hotel. However, these trafficking cases were not investigated or prosecuted. While the government did not host training, TIPAC members participated in foreign donor-funded trainings and activities focused on strengthening efforts to prevent and combat trafficking in Solomon Islands. The government did not adequately conduct any criminal investigations or prosecutions of government employees allegedly complicit in human trafficking during the year.

### **Protection**

The Government of the Solomon Islands made modest efforts to protect victims of trafficking during the year. Law enforcement and social services personnel continued to lack systematic procedures to proactively identify victims of trafficking among high-risk persons with whom they come in contact, nor did they have formal guidelines for the referral of human trafficking victims to organizations that provide services. The government continued to rely largely on civil society or religious organizations to provide limited services

to victims of crime, including victims of human trafficking. The Family Support Center, operated by the government and funded by an NGO, is available to provide consultations to victims of gender-based violence and government-identified trafficking victims, though there were no reports of trafficking victims receiving assistance at this center. Solomon Islands Immigration, with the help of an NGO, provided shelter to the 23 male Malaysian workers at a Malaysian logging camp, though the workers were repatriated without receiving their wages from the employer. The Royal Solomon Island Police (RSIP) and Immigration referred the female Asian trafficking victim identified at a local hotel to another NGO for assistance, and she was later repatriated. TIPAC reports that women in prostitution have been arrested and prosecuted during the year without efforts being made to determine whether they were potential trafficking victims. There are no legal, medical, or psychological services available to victims in the Solomon Islands. The government has available temporary residency permits—valid for up to three months—to allow victims to assist the police in investigations, though none were granted to victims during the reporting period. The government reports the availability of civil remedies for victims of trafficking, though no victim of human trafficking has ever made use of civil causes of actions.

### **Prevention**

The government made modest efforts to prevent trafficking during the reporting period. The Transnational Crime Unit reported conducting three anti-trafficking campaign tours with RSIP, mainly to logging camps, to focus on child prostitution. RSIP based in Isabel Province visited 20 logging camps, each twice during the year, to inspect papers, possession of passports, and discuss human trafficking and related crime issues with the local villagers. The attorney general made a public speech on October 30 at a foreign donor-funded workshop acknowledging that sex trafficking and forced labor are problems in Solomon Islands, and that enacting the 2012 immigration bill had been necessary to combat trafficking. The government took no action to reduce the demand for commercial sex acts in the country during the reporting period. The Solomon Islands is not a party to the 2000 UN TIP Protocol.

## **SOUTH AFRICA (Tier 2)**

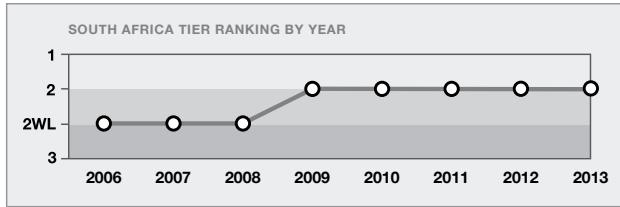
South Africa is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. South African citizens and foreign nationals are subjected to human trafficking within the country. Children are trafficked mainly within the country, from poor rural areas to urban centers, such as Johannesburg, Cape Town, Durban, and Bloemfontein. Girls are subjected to sex trafficking and domestic servitude; boys are forced to work in street vending, food service, begging, criminal activities, and agriculture. The tradition of *ukuthwala*, the forced marriage of girls as young as 12 to adult men, is still practiced in some remote villages in Eastern and Western Cape provinces, leaving these girls vulnerable to forced labor and prostitution. Nigerian syndicates dominate the commercial sex trade in Hillbrow and other areas, though local criminal rings and street gangs also organize child prostitution; Russian and Bulgarian crime syndicates operate in the Cape Town sex trade, and Chinese nationals coordinate the sex trafficking of Asian nationals. To a lesser

extent, syndicates recruit and transport South African women to Europe and the Middle East, where some are forced into prostitution or domestic service. Traffickers control victims through intimidation and threats, including witchcraft, use of force, withholding of passports, debt bondage, and forced use of drugs and alcohol. In 2012, South African trafficking victims were identified in Brazil; in addition, four South African women reported being forced to serve as drug mules to Bangladesh or Thailand via Brazil. In 2012, Namibian authorities apprehended a child sex tourist from South Africa.

Women and girls from China, Taiwan, Thailand, Cambodia, India, Russia, Ukraine, Moldova, Bulgaria, Brazil, the Democratic Republic of the Congo, the Republic of the Congo, Rwanda, Mozambique, Lesotho, Swaziland, and Zimbabwe are recruited for legitimate work in South Africa, but are sometimes subsequently subjected to forced prostitution, domestic servitude, or forced labor in the service sector or taken onward to Europe for forced prostitution. In 2012, Chinese, Indian, Pakistani, Ugandan, Rwandan, and Somali nationals were intercepted in Zambia, Mozambique, Malawi, Tanzania, and Swaziland *en route* to potential exploitation in South Africa. Chinese and Taiwanese men are forced to work in mobile sweatshop factories in Chinese urban enclaves in South Africa. During the year, IOM identified potential victims of forced labor from Cambodia aboard fishing vessels in South Africa's territorial waters; NGOs and international organizations continue to report additional distress calls from foreign fishermen in similar situations. There were also reports of more than 50 Malagasy victims of forced labor aboard a Chinese fishing boat in South Africa's territorial waters. Young men and boys from Uganda, Lesotho, Mozambique, Malawi, Swaziland, and Zimbabwe voluntarily migrate to South Africa for farm work, including cattle herding, sometimes laboring for months with little or no pay and in conditions of forced labor before unscrupulous employers have them arrested and deported as illegal immigrants. Taxi drivers or thugs at the border transport Zimbabwean migrants, including children, into South Africa and may subject them to sex or labor trafficking upon arrival.

The Government of South Africa does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In May 2013, the parliament passed anti-trafficking legislation, which now awaits presidential signature and publication in the government gazette for official enactment. In addition, during the year, several government departments took preparatory steps, such as developing regulations and policy directives, to be ready to implement the legislation upon enactment. The government convicted one offender during the year and began prosecution of two suspects for alleged forced child labor offenses; however, challenges remained in the identification and investigation of trafficking cases. Despite its almost exclusive focus on sex trafficking, the government has not yet successfully prosecuted any major international syndicates reportedly responsible for much of the sex trade in the country and did not systematically address labor trafficking offenses in the country. The Department of Justice and Constitutional Development (DOJCD) took over duties from the National Prosecuting Authority (NPA) for inter-departmental coordination on the national level after the NPA scaled down its Inter-Sectoral Task Team (ISTT). Task teams in six provinces continued operations and made efforts to train officials and raise awareness, but the lack of a trafficking statute and a coordinating entity stymied progress. In 2012 the

government made efforts to protect victims through continued oversight, by the Department of Social Development (DSD), of shelters that provided trafficking-specific victim services. The absence of formal procedures for screening and identifying trafficking victims among vulnerable groups, including illegal migrants and women in prostitution, remained a significant gap. As a result, some foreign victims were repatriated without being identified as trafficking victims.



**Recommendations for South Africa:** Enact and implement the anti-trafficking bill; continue to increase awareness among all levels of government officials as to their responsibilities under the anti-trafficking provisions of the Sexual Offenses and Children's Amendment Acts; more effectively utilize financial resources for anti-trafficking programs and personnel; prosecute employers who use forced labor, and ensure that labor trafficking victims are not charged with immigration violations by screening all deportees for victimization; ensure officials adequately screen for victims amongst other vulnerable groups, including women in prostitution; replicate the coordinated anti-trafficking law enforcement and victim referral mechanisms of Kwa-Zulu Natal and Western Cape in all provinces; ensure translators are available to assist victims in obtaining care, cooperating with law enforcement, and testifying in court; investigate and prosecute officials suspected of being complicit in trafficking; and institute formal procedures to compile national statistics on trafficking cases prosecuted and victims assisted, as is done for other crimes.

## Prosecution

The Government of South Africa continued to conduct anti-trafficking law enforcement efforts during the reporting period through a small group of provincial task teams. The government convicted one trafficking offender during the year, marking the third conviction in the country's history. South Africa's laws do not prohibit all forms of trafficking. The Sexual Offenses Act (SOA) prohibits the sex trafficking of children and adults, and the Basic Conditions of Employment Act of 1997 (BCEA) prohibits forced labor. The SOA prescribes punishments of up to 20 years' imprisonment for sex trafficking offenses, which is sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Penalties under the BCEA of only up to three years' imprisonment for forced labor are not sufficiently stringent. Effective in 2011, the Children's Amendment Act prescribes penalties of five years' to life imprisonment or fines for the use, procurement, or offer of a child for slavery, commercial sexual exploitation, or to commit crimes. The Prevention of Organized Crime Act of 1998 is sometimes used in combination with the SOA to add additional charges—including money laundering, racketeering, and criminal gang activity—and stiffer penalties against offenders. In May 2013, the parliament passed comprehensive anti-trafficking legislation, the Combating and Prevention of Trafficking in Persons Bill, which now awaits presidential signature. The South African Police Service (SAPS), NPA, and DSD took steps to prepare for implementation of the anti-

trafficking legislation; other key government departments had not yet begun to prepare their directives.

In 2012, one trafficker was convicted in South Africa. Prosecution of seven cases was initiated, and ongoing prosecutions of five offenders from the previous reporting period continued. According to news reports, the Grahamstown High Court sentenced a convicted sex trafficker to 10 years' imprisonment for procuring an 11-year old girl for an Eastern Cape man in April 2012. In February 2013, Sabie Magistrate's Court initiated the prosecution of two offenders, a Mozambican woman and a South African businessman, charged with the sex trafficking of five Mozambican girls. The March 2010 Thai sex trafficking convictions were overturned on appeal because the court translator who was fearful for her safety had covered her face during the proceedings.

Five defendants awaited prosecution, and several other trials remained ongoing from previous reporting periods. An ongoing prosecution of three defendants for sex trafficking, drug, and prostitution offenses following a raid on a brothel by the Durban provincial anti-trafficking task team was supplemented through the arrest of the property owner and his wife in March 2012; both were released awaiting trial. The government failed to prosecute any officials allegedly complicit in trafficking-related crimes, including immigration, border, and police officers who may work in collusion with traffickers or be among the "clients" of sex trafficking victims. In addition, the government did not yet initiate prosecution of two police officers arrested in the Western Cape and one additional suspect arrested in Nelspoort in October 2011 for the alleged sex trafficking of South African girls.

In its efforts against sex trafficking, the government has prosecuted low-level cases with one to three victims, typically from South Africa or neighboring countries, but has not successfully prosecuted larger, international syndicates involving Nigerian, Russian, Bulgarian, Chinese, and Thai traffickers who dominate the sex trade in several South African cities. Well-known brothels, including some that have previously used sex trafficking victims, continued to operate without police intervention. No cases against traffickers of Thai women have been initiated since 2007. In addition, many stakeholders report the failure of police to proactively identify sex trafficking victims or pursue investigations of some cases; police regularly evacuated alleged victims of sex trafficking without opening investigations against the perpetrators, and there was one report of police taking one week to respond to a distress call from a victim.

In 2012, the government did not systematically address forced labor; however, it initiated the prosecution of two suspects under the BCEA for the forced labor of 10 children in two separate cases. For example, in February 2013, Zastron Magistrate's Court in Free State held a hearing involving a Chinese grocery store owner charged with violating the BCEA for using seven children in forced labor. However, the government did not comprehensively monitor or investigate labor trafficking of adults in the agricultural, mining, construction, and fishing sectors. The government has yet to institutionalize anti-trafficking training for its officials, which further inhibited progress; however, many departments have initiated plans for training in 2013 to coincide with the passage of anti-trafficking legislation. Trainings held by committed members of the Gauteng, KwaZulu-Natal and Mpumalanga task teams could not take the place of a coordinated effort

reflecting internationally recognized police standards and practices.

## Protection

Although the government made efforts to protect trafficking victims, considerable obstacles remained to ensuring justice and protection for all victims in South Africa. DSD continued its oversight of and funding to 13 accredited multipurpose shelters in 2012, which hosted 43 foreign and 44 South African trafficking victims referred by DSD during the year, an increase from 59 victims referred in 2011. It also began oversight of 17 NGO-run safe houses designed to temporarily shelter victims before they reach an accredited shelter. The government provided financial support for these shelters on a per victim, per night basis. The DSD continued its nine-week rehabilitation program to address the psycho-social well-being of victims and paid for the stay of victims at rehabilitation centers for overcoming drug addiction. There were no shelters available for men. In 2012, the Gauteng task team established a rapid response team—comprised of government agencies and NGOs—modeled after those in Western Cape and Kwa-Zulu Natal—to coordinate protective services, including shelter, for victims.

The DSD continued drafting implementing regulations in preparation for the social services portions of the anti-trafficking bill and began development of formal procedures for the identification of trafficking victims and their referral to appropriate care, though these have not yet been put into effect. DSD rolled out its guidebook for service providers and first-line responders on the identification of trafficking victims, updated its shelter intake forms to capture trafficking victim data, and conducted a workshop for field social workers and supervisors that included review of these procedures. The Department of International Relations and Cooperation assisted in the repatriation of a South African trafficking victim from Brazil and the Mpumalanga provincial task team participated in a cross border meeting with Mozambican officials to discuss the repatriation of children, including child trafficking victims.

Despite these efforts made by DSD, systemic hurdles continued to inhibit progress in providing justice and protection for victims in South Africa. Foreign language interpretation remained a significant problem, impeding the investigation of trafficking cases, prosecution of suspected offenders, and screening of victims who spoke only Spanish, Russian, Bulgarian, Thai, and Ukrainian. Although officials reportedly encouraged victims to participate in the investigation and prosecution of trafficking offenders and provided long-term care to foreign victims who did so, this was often stymied by the lack of legal alternatives available under South African law for victims to avoid deportation to countries where they may face hardship or retribution. Prosecutors experienced difficulty in pursuing some cases because the Department of Home Affairs (DHA) deported victims before they had been thoroughly interviewed thoroughly or were able to participate in the prosecution of their traffickers. During the year, eight child trafficking victims were repatriated without adequate time to provide victim statements, which led to the withdrawal of charges against their alleged trafficker. Although the SOA requires sex trafficking victims not be charged with crimes committed as a direct result of being trafficked, some victims were nonetheless arrested and jailed, as the screening of women in prostitution was at times done

too hastily to accurately assess trafficking victimization. For instance, 11 women in prostitution were brought in front of the Cape Town Magistrate's Court after police arrested them for contravention of the Immigration Act during a brothel raid; one woman remained in jail for seven months without being screened. Some observers believed that at least some of these women were potential victims.

### **Prevention**

The government continued efforts to prevent human trafficking, but unlike previous years, no national level campaigns took place during the reporting period. The national action plan to combat trafficking in persons developed in a previous reporting period was not released or implemented. At the close of a donor-funded program, the NPA ceased its coordination of the country's anti-trafficking efforts through the ISTT, which it had chaired, effectively ending its oversight of its six provincial task teams. However, the Department of Justice Victim Support Directorate (DOJ/VSD) coordinated interdepartmental efforts through a body comprised of DHA, DSD, SAPS, Department of Labor and the Department of Health, that worked to ensure department preparedness for the eventual implementation of anti-trafficking legislation and to provide funding for local awareness and training events. However, as the DOJ/VSD is not a law enforcement body, it is without jurisdiction to appropriately and adequately oversee the provincial task teams, serving law enforcement functions. The DOJ/VSD supported awareness-raising efforts throughout the country; in December 2012, it sponsored an awareness campaign led by the DSD and Mpumalanga task team across the province, reaching 600 people through events at malls and a door-to-door campaign. The DSD published awareness materials and distributed them during campaigns in Mpumalanga and Kwa-Zulu Natal provinces. In October 2012, as part of National Human Trafficking Awareness Week, the Northern Cape SAPS team coordinated awareness campaigns targeting mine workers, seasonal workers on grape farms, and youth.

The South African National Defense Forces' Peace Mission Training Centre provided anti-trafficking training to South African troops prior to their deployment abroad on international peacekeeping missions; in addition, the South African military prosecuted troops who perpetrated sex crimes while serving on missions abroad. The government did not undertake efforts to reduce the demand for forced labor or commercial sex acts during the reporting period.

## **SOUTH SUDAN (Tier 2 Watch List)**

South Sudan is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. South Sudanese women and girls, particularly those from rural areas or those who are internally displaced, are vulnerable to forced labor as domestic servants in homes in Yei, Bor, Wau, Torit, Nimule, and Juba, and possibly throughout the country; most are believed to be working without contracts or government-enforced labor protections. Some of these women and girls are sexually abused by male occupants of the household or forced to engage in commercial sex acts. South Sudanese girls, some as young as 10 years old, engage in prostitution within the country—including in restaurants, hotels, and brothels—at times induced by or under the control

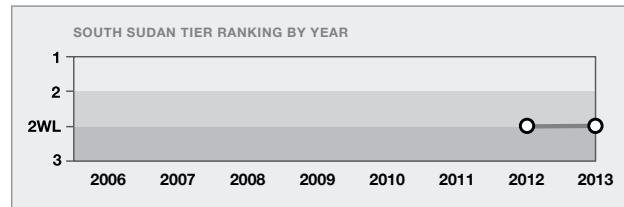
of third parties, including corrupt law enforcement officials. The majority of these victims are exploited in urban centers such as Juba, Torit, and Wau. Child prostitution continued to rise in Juba during the reporting period, as did the number of street children and child laborers—two groups that are highly vulnerable to labor and sexual exploitation. Children working in construction, market vending, shoe shining, car washing, rock breaking, brick making, delivery cart pulling, and begging may be victims of forced labor. South Sudan is a destination country for Ugandan, Kenyan, Ethiopian, Eritrean, and Congolese (DRC) women and girls subjected to sex trafficking. Many migrate willingly, with the promise of legitimate work, and are subsequently forced or coerced into the sex trade. South Sudanese and foreign business owners exploit the lure created by employment opportunities in hotels, restaurants, and the construction industry to entice men and women from these countries, as well as South Sudanese women and children living in rural areas, to migrate to urban centers where they are subsequently forced to work for little or no pay. Kenyan and Ugandan children are subjected to domestic servitude and forced labor in construction and street vending in South Sudan. Local civil society organizations report that overall instances of trafficking increased during the reporting period, largely due to a continued influx of foreign laborers, including children, who are vulnerable to exploitation and that some traffickers may operate in organized networks within the country and across borders. Some government officials, including members of the Sudan People's Liberation Army (SPLA) and the South Sudan National Police Service (SSNPS) were complicit in trafficking offenses. Authorities occasionally assisted traffickers in crossing international borders, and some public officials subjected women and girls to domestic servitude; others purchased sex from child trafficking victims or facilitated the prostitution of children.

Inter-ethnic abductions continued between some communities in South Sudan, especially in Jonglei and Eastern Equatoria states. In Jonglei state, this was less prevalent than during the previous reporting period; however, dozens of women and children were kidnapped during the year. Some abductees were subsequently subjected to conditions of domestic servitude, forced animal herding, or sex trafficking. South Sudanese girls, particularly in Upper Nile state, were reportedly sometimes abducted by Sudanese slave traders and transported into Sudan, where they were subsequently forced into domestic servitude or sold into other forms of slavery in Khartoum or other urban centers. Thousands of Dinka women and children and a lesser number of Nuba children were abducted and subsequently enslaved by members of the Missiriya and Rizeigat ethnic groups during the concluded North-South civil war. Some of those enslaved remain in Sudan with their captors. Orphans were vulnerable to abduction for exploitation in sex and labor trafficking while moving between refugee camps, particularly while crossing the Kenya-South Sudan border.

Girls as young as nine years old in Eastern Equatoria state were forced into marriages, at times as compensation for inter-clan killings; some may have been subsequently subjected to sexual slavery or domestic servitude. Forcible recruitment of adults and particularly children by virtually all armed groups involved in Sudan's concluded North-South civil war, including the SPLA, was previously commonplace. UN monitors in the country, however, reported that there was no evidence of forcible recruitment of adults or children by the SPLA during the year. Monitors did report one incident in which two children were kidnapped by SPLA officers and

subsequently released; these children may have been subjected to labor or sexual exploitation while held by the officers. Children remained among the ranks of the government's security forces; the UN reported 72 children were identified and removed from the SPLA, and one child was identified and removed from the SSNPS. While UNICEF reported that the SPLA removed from its ranks all known children who were used in combat, at least 250 children remained associated with the SPLA as of December 2012, performing various support roles. Some areas of the country were difficult to reach or too unsafe to access, limiting international monitors' ability to assess the SPLA's adherence to laws in all regions of the country, and government and NGO officials acknowledged that incidents of sex trafficking and forced labor of children associated with the SPLA may still occur. During the reporting period, militias that were known to harbor children among their ranks were integrated into the SPLA, though UNICEF reports that the groups were adequately vetted and that in all known cases associated children were identified and removed prior to being integrated. Unlike during the previous year, there were no reports of forcible recruitment of adults or children by the SSNPS. Armed militia groups, including those allied to David Yau Yau in Jonglei state, recruited hundreds of children as young as 10 years old throughout the year, at times through force. The Sudan People's Liberation Movement—North (SPLM-N), a Sudan-based group that was formerly aligned with the SPLA and that according to published reports continued to receive support from the SPLA during the reporting period, periodically conducted campaigns in which it forcibly recruited adults and children it labeled as "deserters" within refugee camps in South Sudanese territory, including in Yida, Unity state and Maban, Upper Nile state. The SPLM-N reportedly used child soldiers in Sudan to fight against the Sudan Armed Forces and aligned militias. Although the Lord's Resistance Army (LRA) continued to harbor enslaved South Sudanese children in neighboring countries for use as cooks, porters, concubines, and combatants, the UN reported there were no LRA attacks or abductions in South Sudan during the reporting period.

The Government of South Sudan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made progress in implementing its UN-backed action plan to eliminate the use of child soldiers in its armed forces; it identified and demobilized 72 children from the SPLA, improved efforts to vet new recruits for age verification, and, in partnership with UN agencies, increased its provision of reintegration services to demobilized children. However, its efforts to address other forms of trafficking—which reportedly increased during the year—remained negligible. Authorities identified six suspected trafficking victims without rescuing them from situations of exploitation or referring them to care. Few services for trafficking victims were available, and the government continued to indiscriminately arrest individuals in prostitution, including child sex trafficking victims, and sentence them to time in prison. Observers reported an increased awareness among government officials of the problem of child soldier recruitment, but awareness of other forms of trafficking remained low among all levels of government. The government did not demonstrate overall increased efforts to address all forms of trafficking since the previous reporting period; therefore, South Sudan is placed on Tier 2 Watch List for a second consecutive year.



**Recommendations for South Sudan:** Adopt a time-bound national action plan to combat human trafficking, and allocate resources toward its implementation; launch a public awareness campaign to educate government officials and the general public on the nature and dangers of all forms of human trafficking; enact the draft labor act to ensure adequate prohibitions of forced labor; train law enforcement and judicial officials to recognize trafficking victims among vulnerable groups, particularly individuals in prostitution and children in street vending, construction, or domestic work; work with NGOs to develop an inventory of service providers, and train government officials on procedures to refer victims to these organizations to receive care; ensure trafficking victims are not prosecuted for crimes committed as a direct result of being trafficked; increase efforts to investigate suspected human trafficking cases, prosecute trafficking offenses, and convict and punish trafficking offenders; continue to allow unimpeded access to military barracks for monitoring missions to identify and remove any child soldiers or other children associated with the military; in accordance with the UN-backed action plan and the February 2013 child protection order, punish military officials found to be in violation of laws related to recruitment, use, and association of children; end all support—whether financial or in-kind—to militia groups that unlawfully recruit or use child soldiers or forcibly recruit adults for operations within or outside the country; form an interagency committee to develop and implement a national anti-trafficking policy; and accede to the 2000 UN TIP Protocol.

## Prosecution

The Government of South Sudan made no significant law enforcement efforts to combat trafficking during the reporting period. Its law enforcement presence in most regions of the country remained limited; some courts did not operate, and those that functioned often lacked adequate human and physical resources to investigate and prosecute criminals, including traffickers. Nevertheless, the government took law enforcement action against women and girls in the sex trade, many of whom may have been trafficking victims; these actions, which were harmful to victims, demonstrate that it was within the government's limited means to begin investigating and prosecuting trafficking offenses using existing laws. South Sudanese law does not prohibit all forms of trafficking. South Sudan's Penal Code Act of 2008 (Article 282) prescribes a sufficiently stringent punishment of up to seven years' imprisonment for the sale of a person across international borders. The Penal Code Act also prohibits and prescribes punishments of up to seven years' imprisonment for abduction (Article 278) and transfer of control over a person (Article 279) for the purpose of unlawful compulsory labor; the prescribed punishment of up to two years' imprisonment for compulsory labor without aggravating circumstances is not sufficiently stringent. Article 276 criminalizes buying or selling a child for the purpose of prostitution and prescribes a punishment of up to 14 years' imprisonment—a penalty that is sufficiently

stringent and commensurate with those prescribed for other serious crimes, such as rape. Punishments prescribed in Article 254 for procuring a child (up to 10 years' imprisonment) or an adult (up to two years' imprisonment) for the purposes of prostitution are not commensurate with those for rape. Article 258 prescribes punishments of up to 10 years' imprisonment for parents or guardians who cause or allow their child to be involved in the sex trade. South Sudan's Child Act of 2008 prohibits the recruitment and use of children for military or paramilitary activities, and prescribes punishments of up to 10 years' imprisonment for such crimes. The omnibus labor act, which was drafted by the Ministry of Labor in 2009 and would provide further protections against forced labor, was once again not passed during the most recent legislative session.

The Government of South Sudan did not investigate or prosecute any trafficking offenses using these or other articles during the reporting period. Instead, it continued to arrest and jail victims for prostitution or immigration violations, sometimes apprehended through large-scale indiscriminate sweeps of brothel districts. Pervasive corruption in the judicial sector allowed perpetrators to prevent legal proceedings using intimidation or bribery, and charges were dropped in some instances against prominent community members or members of the security forces suspected of trafficking. Police facilitated the extradition of two Ugandan nationals, alleged to have forced victims into street vending in South Sudan, to their home country for investigation but did not pursue efforts to investigate or prosecute the suspected offenses in South Sudan. Despite signing an action plan with the UN in the previous reporting period, which committed the SPLA to hold its military officers criminally accountable for the recruitment or use of children, the government did not make progress in investigating, prosecuting, or punishing SPLA officers who allegedly committed such acts. In February 2013, however, it issued a command order to military officers stating that anyone, including commanders, who recruits or uses child soldiers in any capacity will be prosecuted and punished under the code of military justice. It is unknown whether the government took any actions to enforce prohibitions on the recruitment of children among the SPLM-N, to which it allegedly provided some support, as it maintained that it did not have a relationship with this group and knew nothing about its recruitment practices. The government did not provide specialized anti-trafficking training to law enforcement officers or judicial officials during the year, though an international donor developed training for new police recruits, and approximately 300 received this training in February and March 2013. Despite evidence of government complicity in trafficking and trafficking-related criminal activities, no government officials were investigated or prosecuted for such crimes during the reporting period.

## Protection

The Government of South Sudan made progress in providing limited protection to former child soldiers, but its provision of protection to victims of other forms of trafficking was negligible, and at times its law enforcement efforts were harmful to victims. The government did not take steps to proactively identify victims of sex or labor trafficking among vulnerable populations, and it did not employ a systematic process to transfer identified victims to organizations to receive care. The Ministry of Gender, Child, and Social Welfare (MoGSW), with support from international donors, operated a children's shelter that could be used to shelter trafficking

victims; however, the shelter was not equipped to handle trafficking cases and was poorly resourced. Front-line officers lacked awareness of available resources for trafficking victims and failed to remove from exploitative situations victims with whom they came in contact; during the year, immigration and police officials identified six suspected sex trafficking victims and reported them to an international organization in Juba. The organization, however, was unable to locate the victims, and their whereabouts are unknown. The MoGSW reportedly referred an unknown number of additional victims to a local NGO on an *ad hoc* basis. Members of the Ugandan and Kenyan expatriate communities and community organizations identified 10 possible victims of forced labor, including domestic servitude, seven of whom were children, and referred them to an international organization. There were no specialized services available for male, adult, or foreign trafficking victims or for any victims outside of Juba. The government did not encourage victims' assistance in the investigation and prosecution of trafficking crimes or provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. Social stigma and justified fears of punitive consequences discouraged victims, particularly sex trafficking victims, from communicating with law enforcement authorities; in one reported incident, an SPLA officer forcibly removed a child sex trafficking victim from an NGO facility. Government officials' failure to recognize cases of human trafficking at times led to victims being punished as law violators. In one such case, a Ugandan victim seeking assistance from the police in Juba was arrested for lack of proper documentation. During the year, police routinely arrested and jailed individuals in prostitution without making efforts to determine whether they were trafficking victims.

UN monitors identified and demobilized 72 child soldiers in the SPLA and one child in the SSNPS during 2012. In August 2012, SPLA officers abducted two girls aged 10 and 13 during civilian disarmament in Jonglei state; they were released two days later. In February 2013, the SPLA published a command order granting full access to barracks and other installations for international monitors, and UN officials reported the military abided by these terms. The South Sudan Disarmament, Demobilization, and Reintegration Commission partnered with UN agencies to provide reintegration services, including interviewing and registration, to 114 child soldiers rescued from both the government's security forces and other armed groups. State-level ministries of social development conducted family tracing for registered children. During the year, the services available to male and female children increased to include vocational training for older children and support for school attendance for those younger than 13. There were no specialized support services, however, available for girls released from armed groups.

## Prevention

The government made modest efforts during the reporting period to prevent trafficking. It did not conduct any anti-trafficking information or education campaigns, though in August 2012 the SPLA, together with UN, held awareness-raising sessions on the UN-backed action plan addressing child soldiers as well as relevant South Sudanese laws prohibiting child soldiering. More than 1,600 SPLA soldiers and officers participated in these sessions, and 98 local community leaders participated in additional sessions about the prevention of child recruitment into armed groups. Trafficking awareness

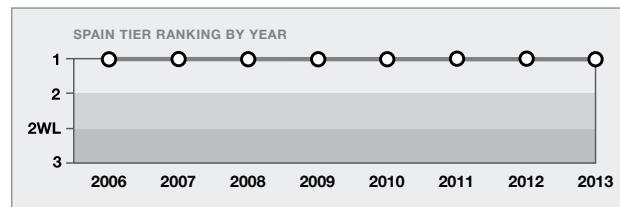
remained low among government officials and members of the public. It is unknown what efforts, if any, authorities in South Sudan took during the reporting period to address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. In 2012, the government established a national steering committee on child labor and a specialized unit with dedicated staff to investigate general cases of child labor, which would include forced child labor. In addition, the South Sudan Human Rights Commission conducted research on child labor issues. Both of these institutions lacked resources, however, to conduct investigations and did not report any actions to address forced child labor. With UN financial support, the SPLA trained 157 child protection officers in 2012 to recognize and report the military's association with child soldiers, to work with community leaders to prevent underage recruitment, and to vet soldiers integrating from rebel militia groups. UN monitors report the SPLA's procedures for vetting new recruits for age verification improved during the year and, as a result of these efforts, many children were barred from joining the military during a recruitment drive in April 2012. Nonetheless, low rates of birth registration made it difficult to verify ages, and the government's recruitment drive increased children's vulnerability to recruitment. The government made no discernible efforts to reduce the demand for commercial sex acts during the reporting period. South Sudan is not a party to the 2000 UN TIP Protocol.

## SPAIN (Tier 1)

Spain is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Women, primarily from Romania, Ukraine, Russia, Croatia, Bulgaria, Brazil, Colombia, Ecuador, Paraguay, Venezuela, China, and Nigeria, are subjected to sex trafficking in Spain. Victims are recruited by false promises of employment in the service industry or agriculture and are subsequently subjected to sex trafficking and debt bondage upon their arrival to Spain. Nigerian women are subjected to sex trafficking under debt bondage and threats through voodoo rituals. An estimated 90 percent of women in prostitution in Spain are under the control of organized crime networks. Chinese, Nigerian, and Albanian trafficking networks operate out of major cities in Spain. Undocumented migrant men and women reportedly are forced to work in domestic service, agriculture, construction, and the service industry. A growing number of Portuguese nationals are subjected to forced labor in restaurants, agriculture, and domestic work in Spain. Barcelona is a transit area for Pakistani nationals subjected to labor trafficking in other European cities. Unaccompanied migrant children in Spain continue to be vulnerable to sex trafficking and forced begging. Spanish nationals are also vulnerable to trafficking within the country, including sex trafficking of children.

The Government of Spain fully complies with the minimum standards for the elimination of trafficking. During the year, police improved implementation of a protocol on victim identification and referral through increased coordination with NGOs prior to law enforcement actions. However, a continuing need to improve screening methods by law enforcement among vulnerable migrants and foreign women in prostitution coupled with victims' fear of reprisal or mistrust of authorities resulted in too few victims making use of the

government's reflection period for suspected trafficking victims. The government continued to vigorously prosecute trafficking offenders, including complicit officials. However, the government did not convict any offenders for forced labor. Specialized services for child victims or male labor trafficking victims remained inadequate.



**Recommendations for Spain:** Continue to institutionalize use of the protocol on victim identification and referral to ensure that NGOs are included in implementing a victim-centered approach to screening and assistance; ensure that the process for granting potential trafficking victims a reflection period are based on identification procedures that account for victims' likely trauma, fear of reprisal, and mistrust of authorities and ensure victims are afforded the full time to recover before making a decision of whether to cooperate with law enforcement; establish national procedures for the proactive identification of child victims and ensure prosecutors and child protective services are coordinated to avoid re-victimization; establish specialized anti-trafficking services for child victims and male labor trafficking victims; ensure anti-trafficking law enforcement actions include victim protections and do not punish victims for acts committed as a direct result of being trafficked; continue to investigate and prosecute trafficking offenses, including those for labor trafficking; provide comprehensive data on law enforcement efforts, including investigations and sentencing for trafficking offenses; and vigorously prosecute and punish government officials complicit in trafficking.

### Prosecution

The Government of Spain maintained strong law enforcement efforts in 2012. Spain prohibits all forms of human trafficking through Article 177 bis of its criminal code, which prescribes penalties from five to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with the prescribed penalties for other serious crimes, such as rape. Courts prosecuted 46 defendants for sex trafficking and seven for labor trafficking, compared with 50 prosecutions initiated in the prior year. In 2012, the government convicted 13 offenders for sex trafficking and sentenced 24 offenders, including some convicted during the previous reporting period. While the government did not provide comprehensive sentencing data, it provided individual case information to demonstrate efforts to hold traffickers accountable in 2012. A Barcelona court sentenced two traffickers to eight years' imprisonment for trafficking and four years' and six months' imprisonment for forced prostitution, with a fine of the equivalent of \$12,800 in victim compensation; one trafficker received six years and seven months' imprisonment for trafficking and forced prostitution; and two traffickers received two years' imprisonment for forced prostitution, with a fine of the equivalent of approximately \$5,000 in victim compensation. The government investigated government officials allegedly complicit in trafficking. During the reporting period, the government sentenced a national police officer

complicit in trafficking to three years' imprisonment; he was formerly employed in the Aliens Service. A Galician court continued to investigate members of the National Police and the Civil Guard alleged to be complicit in exploiting Brazilian women in prostitution. Prosecution of a major complicity case from the prior reporting period continued against officials for alleged forced prostitution. Police dismantled a criminal organization that exploited 400 women in six brothels in several provinces of Andalusia; arrests included a former councilman and the president of the chamber of commerce of Ayamonte. The government increased training for consular officials on identifying human trafficking. The government trained law enforcement on trafficking and funded NGOs to provide specialized training for officials in identifying trafficking and providing assistance to victims.

## Protection

The government improved protection efforts by coordinating with NGOs to protect trafficking victims in 2012, but screening for trafficking among vulnerable migrants and care of trafficked children needed improvement. The Organized Crime Intelligence Center reported it identified 125 trafficking victims and the Catalan regional police reported identifying 190 victims, including 23 labor trafficking victims, in 2012, an increase from a total of 234 victims identified in 2011. Twenty-three of the identified victims were subjected to labor trafficking. NGOs provided assistance to at least 191 newly identified victims during the year, 127 of whom were referred by law enforcement. During the year, law enforcement implemented a formal protocol that increased their efforts to coordinate with NGOs prior to raids on brothels and in preparation for identifying and assisting potential victims. NGOs report that the police are increasingly sensitized to the special needs of victims in trafficking investigations. The government granted reflection periods—time in which victims could recover while deciding whether to assist law enforcement—to 93 female victims in 2012, compared with 98 victims in 2011. A report by the Spanish ombudsman office released during the year noted concern over the low number of victims afforded a reflection period and attributed this shortcoming to officials conducting screenings for trafficking that were too routine and did not take into account potential victims' unique situations or recent traumatic experiences. The report assessed procedures prior to implementation of the new protocol. Officials reportedly incorrectly discounted trafficking indicators if the potential victim initially consented to migrate, which is contrary to the provision on consent in the 2000 UN TIP Protocol. Immigration authorities returned trafficking victims in the asylum process to their countries of origin without a proper risk assessment or referral to services. NGOs reported authorities improved efforts during the reporting period to offer reflection periods to most victims, but this was not effective as victims' reluctance to assist law enforcement resulted in the majority of victims rejecting the reflection period. Authorities granted 66 temporary residency permits to victims who agreed to assist law enforcement in 2012, compared to 58 permits granted in 2011. Victims who were willing to testify in court were allowed longer-term one-year residency permits, which were renewable up to two years. There was no exception made for child victims or victims suffering from trauma in applying the requirement that victims testify in order to receive immigration relief. The ombudsman report also highlighted the dearth of specialized care and shelter for child trafficking victims. Child protection agencies did not track child trafficking victims under their

care, some of whom were involved in criminal proceedings as victims or witnesses; this lack of coordination between officials re-victimized children who were unnecessarily subjected to repeated procedures. The Spanish criminal code exempts trafficking victims from punishment for criminal offenses committed while they were suffering exploitation and observers report the government made improvements in applying this in practice. Nevertheless, media reports noted deportations of women in forced prostitution.

While the government restricted undocumented migrants' access to health care during the reporting period, the Ministry of Health determined that the restriction did not apply to undocumented trafficking victims. The government funded its initial 2009 to 2012 national action plan against sex trafficking with the equivalent of approximately \$61 million. In 2012, the government allotted an additional \$8 million to fund the plan. The government's approval in 2012 of an equivalent of approximately \$2.6 million in funding for NGO services and shelter for trafficking victims was reduced to equivalent of approximately \$1.9 million in 2013 as a part of government-wide budget cuts. During the reporting period, the government, in collaboration with NGOs, released an updated resource guide for trafficking victims listing available services and shelter.

## Prevention

The government continued to implement a variety of anti-trafficking public awareness campaigns, including through television broadcasts and during the national lottery drawing. The government undertook a demand reduction campaign to discourage newspapers from publishing classified ads for explicit sexual services, which are likely often provided by trafficking victims. Observers asserted that women in prostitution were penalized more often than buyers of commercial sex under new local laws against solicitation of prostitution. During the reporting period, a congressional subcommittee was created to assess anti-trafficking efforts in Spain and is currently evaluating the government's national action plan in preparation for an updated 2013 plan, which should include efforts to combat labor trafficking. The government maintained a website designed with UNICEF to warn potential Spanish child sex tourists that they could be subject to prosecution under Spanish law for criminal acts committed abroad, but did not prosecute any Spanish citizens for child sex tourism during the reporting period. Spanish troops received trafficking-specific training prior to their deployment abroad for international peacekeeping missions.

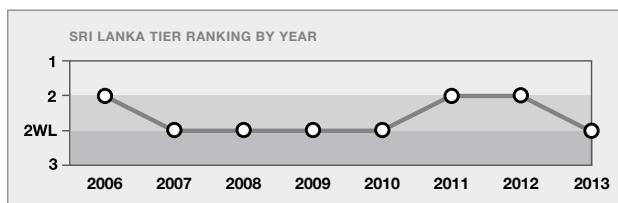
## SRI LANKA (Tier 2 Watch List)

Sri Lanka is primarily a source and, to a much lesser extent, a destination country for men, women, and children subjected to forced labor and sex trafficking. Some of the Sri Lankan men, women, and children (16 to 17 years old) who migrate consensually to Saudi Arabia, Kuwait, Qatar, the United Arab Emirates, Jordan, Bahrain, Lebanon, Iraq, Afghanistan, Malaysia, and Singapore to work as construction workers, domestic servants, or garment factory workers subsequently face conditions indicative of forced labor including restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of detention and deportation for immigration violations. Before their departure, many

male migrant workers go into debt to pay high recruitment fees imposed by unscrupulous licensed labor recruitment agencies—most of them members of Sri Lanka's Association of Licensed Foreign Employment Agencies (ALFEA)—and their unlicensed sub-agents; female migrants report being required to pay off recruitment fees through salary deductions in the destination country. Some recruitment agencies and agents also commit fraud by engaging in contract switching; they promise one type of job and conditions but then change the job, employer, conditions, or salary after arrival. In the reporting period, due to recent government restrictions on the emigration of Sri Lankan women, fraudulent recruitment agents have increased their recruitment of Sri Lankan men to travel abroad. In 2012, Sri Lankan victims of forced labor were identified in Israel. Some Sri Lankan women are subjected to forced prostitution in Jordan, Singapore, Maldives, and other countries.

Within the country, women and children are subjected to sex trafficking in brothels. Boys are more likely than girls to be forced into prostitution in coastal areas for domestic child sex tourism. Children, individuals with physical deformities, and those from socially vulnerable groups are forced to beg or engage in criminal activity in the cities of Colombo and Kandy. In addition, there have been reports of children being subjected to bonded labor and forced labor in dry-zone farming areas on plantations, and in the fireworks and fish-drying industries. Some child domestic workers in Colombo, generally from the Tamil tea-estate sector of the country, are subjected to physical, sexual, and mental abuse, nonpayment of wages, and restrictions of their movement. Internally-displaced persons, war widows, and unregistered female migrants remained particularly vulnerable to human trafficking. A small number of women from Thailand, China, and countries in South Asia, Europe, and the former Soviet Union have been subjected to forced prostitution in Sri Lanka in recent years.

The Government of Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government failed to demonstrate evidence of increasing overall efforts to address human trafficking over the previous reporting period; therefore, Sri Lanka is placed on Tier 2 Watch List. Law enforcement efforts and victim protection, particularly identification, were very weak during the reporting period. The government, however, continued modest prevention efforts, including convicting one labor recruiter who committed fraudulent recruitment, continued inter-ministerial coordination, and developed a national action plan. Despite trainings and the partial implementation of victim identification procedures, the government did not report that it identified any trafficking victims. Government officials confused trafficking in persons with other crimes, such as human smuggling, illegal immigration, and prostitution; this confusion impeded law enforcement and victim protection efforts.



**Recommendations for Sri Lanka:** Improve efforts to investigate and prosecute suspected trafficking offenses, respecting due process, and convict and punish trafficking offenders; investigate and prosecute government officials suspected of complicity in human trafficking; approve and fully implement procedures to proactively identify trafficking victims among vulnerable populations and refer them to care facilities; train local and national government officials on care and referral procedures; ensure that victims of trafficking found within Sri Lanka are not detained or otherwise penalized for unlawful acts committed as a direct result of being trafficked, such as visa violations or prostitution; train local law enforcement on investigation of cases and evidence-collection as well as the provisions of Article 360(C) of the penal code; continue to clarify the definition of human trafficking, as well as the differences between trafficking and crimes such as smuggling and prostitution, in training of government officials; facilitate the speedy repatriation of foreign trafficking victims by providing airfare and not obligating them to remain in the country if they choose to initiate law enforcement proceedings; provide witness protection and incentives for victims to cooperate with law enforcement to enable prosecutions; improve services for shelters, legal aid, and counseling, and improve staff training at embassies in destination countries; promote safe and legal migration rather than imposing discriminatory policies that discourage migration or impose age restrictions on migrants; implement the provision of the Abu Dhabi Dialogue Framework for Regional Cooperation on reducing recruitment costs for migrants; increase the accessibility of information about the migration process to potential migrants before they decide to migrate; continue to raise awareness of the criminal penalties for engaging in child sex tourism; improve quality of pre-departure trainings, including by teaching sessions on labor rights, labor laws, and methods to access justice and assistance in destination countries and in Sri Lanka; expand the Bureau of Foreign Employment's mandate to include the regulation of subagents; improve data collection on the number of trafficking victims identified and assisted in Sri Lanka and in Sri Lankan embassies; and accede to the 2000 UN TIP Protocol.

## Prosecution

The Sri Lankan government continued limited law enforcement efforts to address human trafficking during the reporting period. Sri Lanka prohibits all forms of trafficking through Article 360(C) of its penal code, which prescribes punishments of up to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The government investigated 44 cases of trafficking in 2012, the same number that was investigated in 2011. The government did not report any prosecutions or convictions for human trafficking under Article 360(C) in 2012 or 2011. Civil society groups report that human trafficking offenses may escape detection, or offenders may be convicted of lesser offenses or civil violations under non-trafficking statutes, due to difficulties in obtaining sufficient evidence and law enforcement officials' confusion of human trafficking and other crimes, such as smuggling or prostitution. The Criminal Investigation Department reported it jointly investigated a potential human trafficking case with police in Malaysia, and the investigation concluded as there was insufficient evidence of trafficking. The government did not report on the disposition of a joint investigation with Singaporean police that occurred in 2011.

Government employees' complicity in trafficking offenses remained a problem. There were allegations that police and other officials accepted bribes to permit brothels to operate; some of the brothels exploited trafficking victims. Many recruitment agencies were run by politicians or were politically-connected. Some sub-agents cooperated with Sri Lankan officials to procure forged or modified documents, or real documents with false data, to facilitate travel abroad. The government did not report any prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period. Senior officials from the attorney general's office and the police department conducted anti-trafficking modules in a five-day training-of-trainers program organized by an international organization.

## Protection

The government made limited progress in protecting victims of trafficking during the year. The government did not approve its draft standard operating procedures (SOPs) for the identification of trafficking victims and their referral to protective services; consequently, trafficking victims may have been inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked. Some government officials had reportedly begun to implement the victim identification SOPs, which, as of the publication of this report, were pending final approval. Furthermore, various government agencies—including the Department of Immigration and Emigration, the Ministry of Child Development and Women's Affairs (MCDWA), and the Sri Lankan Embassy in Jordan—reportedly trained government officials on human trafficking, including on the identification and protection of victims. Despite the draft SOPs and training, the government did not report that it identified or assisted any trafficking victims in the reporting period. IOM reported assisting one male and 82 female trafficking victims in Sri Lanka in 2012. While the groundbreaking for a counter-trafficking shelter occurred in December 2012, the shelter was not yet operational at the close of the reporting period. The shelter is funded by a foreign government and will be operated by an international organization; the Sri Lankan government contributed the land and building.

The Bureau of Foreign Employment (SLBFE) continued to operate short-term shelters in Sri Lankan embassies and an overnight shelter in Sri Lanka's international airport for returning female migrant workers who encountered abuse abroad. These facilities were funded by fees the SLBFE collected from registered migrant workers prior to their departure. There was no information as to whether these embassy shelters restricted adult victims' freedom of movement. Civil society groups questioned whether the SLBFE's mandate of protecting migrant workers may be compromised by its funding sources—migrant workers' recruitment fees and commissions paid by employment agencies; these fees give the bureau incentives to promote migration rather than protect the workers. In the reporting period, the Sri Lankan embassy in Jordan sheltered over 250 Sri Lankan female domestic workers, some of whom were trafficking victims. There was no information on whether the government encouraged victims to assist in the investigation and prosecution of trafficking cases. The government did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution.

## Prevention

The Sri Lankan government made limited progress in its efforts to prevent trafficking during the last year. The government's inter-ministerial anti-trafficking taskforce continued to meet monthly and developed a 2012 anti-trafficking action plan, which was adopted in March 2012. In December 2012, the Colombo High Court sentenced a recruitment agent, convicted for fraudulent recruitment under Article 360(C), to two years' imprisonment and a fine, but suspended the sentence. The government imposed a ban on the migration of females younger than 25 years for domestic work in Saudi Arabia and often refused to allow women with young children to migrate for work; evidence shows that bans such as these may drive migration further underground and lead to increased human trafficking. The MCDWA conducted programs to educate women on human trafficking. While the SLBFE continued to require migrant domestic workers with no experience working in the Middle East to complete a 12-day pre-departure training course, this did not always happen in practice. Furthermore, the majority of returning migrants who had taken the course reported that the pre-departure training they received was not helpful in their destination country. The government adopted the Abu Dhabi Dialogue Framework of Regional Collaboration, which includes provisions to familiarize workers with their rights and reduce recruitment fees. In measures that could prevent transnational labor trafficking of Sri Lankans, the SLBFE reported that it filed 35 charges against recruitment agencies in 2012 for charging illegal fees in recruitment (compared to 276 agencies charged in 2011) and fined recruitment agencies found to be guilty of fraudulent practices the approximate equivalent of about \$10,000 (in comparison to the approximate equivalent of \$25,000 in 2011). The SLBFE conducted island-wide programs for police and local government authorities on the identification of illegal labor recruitment practices, and aired 30-minute docudramas on safe migration and human trafficking at various locations. The Government of Sri Lanka, working with UNDP, continued to provide personnel time to conduct mobile documentation clinics for conflict-affected people. In order to address child sex tourism, the National Child Protection Authority created and distributed 20,000 flyers warning of the legal penalties for acts of child sexual exploitation, distributed in tourist areas of southern Sri Lanka. The Government of Sri Lanka did not report any efforts to reduce the demand for commercial sex acts during the reporting period. Nine hundred Sri Lankan peacekeepers received training on human trafficking prior to their deployments abroad for international peacekeeping missions. Sri Lanka is not a party to the 2000 UN TIP Protocol.

## SUDAN (Tier 3)

Sudan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking occurs within Sudanese territory, including in areas outside of the government's control. Sudanese women and girls, particularly those from rural areas or those who are internally displaced, are vulnerable to forced labor as domestic workers in homes throughout the country; most are believed to be working without contracts or government-enforced labor protections. Some of these women and girls are sexually abused by male members of the household or forced to engage in commercial sex acts. Thousands of Dinka women and children, and a lesser number of children from the Nuba tribe, were abducted

and subsequently enslaved by members of the Missiriya and Rizeigat tribes during the civil war that spanned from 1983 until 2005; some of those enslaved remain with their captors. Sudanese girls engage in prostitution within the country, including in restaurants and brothels, at times with the assistance of third parties. There are reports of organized child street begging in Khartoum and other large cities.

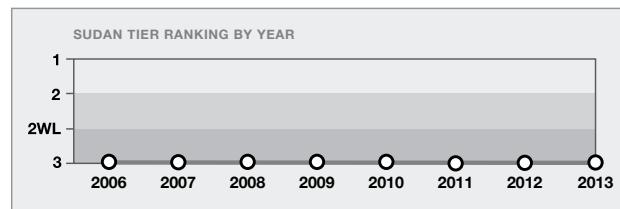
Sudanese women and girls are subjected to domestic servitude in Middle Eastern countries such as Bahrain, Egypt, Qatar, and Saudi Arabia and to sex trafficking in European countries. Some Sudanese men who voluntarily migrate to the Middle East as low-skilled laborers face conditions indicative of forced labor. Sudanese men who migrate illegally to Libya have been rounded up, detained in prison facilities often outside of state control, and exploited as forced laborers. Sudanese children in Saudi Arabia are used by criminal gangs for forced begging and street vending. Sudanese and Eritrean nationals are brutalized by smugglers from the Rashaïda tribe in the Sinai, including by being whipped, beaten, deprived of food, raped, chained together, and forced to do domestic or manual labor at smugglers' homes; some of these individuals were not willing migrants but were abducted from Sudan-based refugee camps or at border crossings.

Sudan is also a transit and destination country for Ethiopian and Eritrean women, including undocumented immigrants and refugees, who are subjected to domestic servitude in Sudan and the Middle East. Foreign domestic workers recruited by Khartoum-based employment agencies are exposed to exploitative practices, such as nonpayment of salaries and physical abuse. Ethiopian, Eritrean, Somali, and possibly Thai women are subjected to forced prostitution in Sudan; agents recruit young women from Ethiopia's Oromia region with promises of high-paying employment as domestic workers, only to force them into prostitution in brothels in Khartoum.

During the reporting period, Sudanese children in Darfur were forcibly recruited as child soldiers, at times through abduction, and used by armed groups such as the Liberation and Justice Movement, Justice and Equality Movement (JEM), various factions of the Sudan Liberation Army (SLA), and government-supported Janjaweed militia. Government security forces, including the Sudan Armed Forces (SAF) and the Central Reserve Police (CRP), also recruited and used child soldiers; the SAF, for instance, reportedly recruited children as young as 13 years old from the Sakaly Camp for internally displaced persons in Nyala. Children were verified as being associated with the government-aligned Popular Defense Forces (PDFs) during the year in both Darfur and the "Two Areas" (South Kordofan and Blue Nile), as well as with pro-government militias. The Sudan People's Liberation Movement-North (SPLM-N) forcibly recruited and used child soldiers in South Kordofan and Blue Nile states; in the Abyei Administration Area, at least 48 children were forcibly recruited by the Sudan People's Liberation Army-South during the year.

The Government of Sudan does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While the government took some initial steps—prosecuting suspected traffickers, drafting anti-trafficking legislation, convening its first workshop to discuss human trafficking, and demobilizing and reintegrating child soldiers—its efforts to combat human trafficking through law enforcement, protection, or prevention measures were undertaken in an *ad hoc* fashion rather than

as the result of strategic planning. It did not officially identify trafficking victims or make public data regarding its efforts to combat human trafficking. Its armed forces and proxy militias are reported to have unlawfully recruited and used child soldiers during the reporting period, and it did not take action to conclude a proposed action plan with the UN to address the problem.



**Recommendations for Sudan:** Enact a comprehensive law to define and address human trafficking crimes and harmonize existing statutes; increase efforts to investigate suspected human trafficking cases, prosecute trafficking offenses, and convict and punish trafficking offenders; launch a public awareness campaign to educate government officials and the general public on the nature and dangers of human trafficking; institute regular training for Sudanese diplomats posted overseas, as well as officials who validate migrant workers' employment contracts or regulate employment agencies, to enable proactive identification and provision of services to trafficked migrant workers; establish an official process for law enforcement officials to identify trafficking victims among vulnerable groups and refer them for assistance; allow unimpeded access to military barracks for monitoring missions to identify and remove any child soldiers; demobilize all remaining child soldiers from the ranks of aligned militias; amend the Law of 1955 Regarding Domestic Servants to provide additional rights and protections for domestic workers, such as mandatory written employment contracts and a limit on the number of hours worked each day; develop, publicize, and enforce a clear, easily-navigable process for employers to officially register their domestic workers and employment contracts, as required by the Law of 1955 Regarding Domestic Servants, as well as to regularize undocumented foreign domestic workers; take steps to identify and provide protective services to all types of trafficking victims found within the country, particularly those exploited in domestic servitude or commercial sexual exploitation; make a much stronger effort through a comprehensive policy approach that involves all vested parties to identify, retrieve, and reintegrate abductees who remain in situations of enslavement; and accede to the 2000 UN TIP Protocol.

## Prosecution

The government's anti-trafficking law enforcement efforts appeared to have increased nominally during the reporting period, but it did not make information on such efforts available for inclusion in this report. The Criminal Act of 1991 does not prohibit all forms of trafficking in persons, though Articles 156 and 163 prohibit inducing or abducting someone to engage in prostitution ("seduction") and forced labor, respectively. Prescribed penalties of up to five years' imprisonment for "seduction" are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. Prescribed penalties for forced labor of up to one year's imprisonment or a fine are not sufficiently stringent. No trafficking offender has ever been prosecuted under these

articles, and it was unclear whether the National Intelligence and Security Services (NISS) or police forces from the Ministry of Interior—the entities responsible for investigating cases of human trafficking—did so during the reporting period. The Child Act of 2008, enacted in January 2010, prohibits but does not prescribe punishments for forced child labor, child prostitution, sex trafficking, and the recruitment of children under the age of 18 into armed forces or groups; while the act includes provisions for the rehabilitation and reintegration of child victims, no government entity has been assigned responsibility for implementation. Some states, such as South Kordofan, have since enacted their own child acts based on the national law. The Sudan Armed Forces Act of 2007 prohibits members of the armed forces from recruiting children younger than 18, enslaving civilians, or coercing civilians into prostitution; the government has never used this statute. The Law of 1955 Regarding Domestic Servants outlines a process for employing and registering domestic workers and provides limited labor rights and protections for them; however, officially registering domestic workers as required by the law entails a complicated process with bureaucratic impediments, including high fees and officials' expectation of receiving bribes, and accordingly few if any domestic workers are registered and protected under the law.

In July 2012, the Minister of Justice submitted draft anti-trafficking legislation, proposed by the legal division of the Secretariat of the Sudanese Working Abroad, to the council of ministers, where it remained under review at the close of the reporting period. The Informatics and Organized Crimes Bureau of the Sudan Police Force investigates and refers trafficking crimes for prosecution on the federal level; the government did not, however, report the number of investigations or prosecutions it undertook on the federal level or under which laws offenders were prosecuted. During the year, Kassala State prosecutors initiated prosecutions in 12 cases reported to be human trafficking, six of which resulted in the conviction of 23 perpetrators; the details of these cases and whether they constituted human trafficking rather than other related crimes such as smuggling, kidnapping, or extortion remains unknown. The government did not report investigating or prosecuting public officials allegedly complicit in human trafficking, despite reports that Sudanese police sold Eritreans to the Rashaida along the border with Eritrea. The government failed to provide specialized anti-trafficking training to police, military, prosecutorial, or judicial personnel.

## **Protection**

The government demonstrated modest efforts to protect victims of trafficking during the past year. Nongovernmental entities reported that police, military intelligence, and the NISS released or rescued 195 victims of trafficking in 2012; however, due to the legal regime in Sudan, it is unclear whether they were victims of trafficking as opposed to smuggling, kidnapping, or extortion. The government did not report identification of any victims of trafficking or maintenance of records regarding efforts to provide protective services to such persons. Sudan has few care facilities accessible to trafficking victims. The Ministry of Welfare and Social Insurance remained responsible for providing legal protection, housing, shelter, and medical and psycho-social support to women and children vulnerable to commercial sexual exploitation and other forms of trafficking within Sudan, and the ministry provided limited medical and psycho-social care to an unknown number of potential trafficking victims in several states in 2012. Fifteen child and

family protection units in the police force, including four in Khartoum, continued to be staffed by social workers who offered legal aid and psycho-social support to victims of abuse and sexual violence. Such units do not yet exist in all states and the capacity of these entities and the services they provided varied from state to state; it is unclear whether any trafficking victims received care through these entities. Police referred street children in abusive situations to orphanages on a case-by-case basis and remanded individuals who may have been trafficked to the care of community leaders.

The SAF's child protection unit is charged with monitoring child soldiering and conducting training for military personnel on laws protecting children but lacks a formal mandate to enforce such laws. It is unknown whether or to what extent the SAF demobilized children from the PDFs or other associated militias during the year. In 2012, officials at the SAF barracks in Talodi and Abugibaiha transferred 18 boys who had fled from SPLM-N training camps to the Ministry of Social Development for reintegration. In January 2013, the Sudan Disarmament, Demobilization and Reintegration Commission registered for rehabilitation and reintegration of more than 70 former child soldiers in South Darfur who had been released from the SLA/Historical Leadership in 2011. The National Council for Child Welfare reported that it provided training to the SAF, PDFs, and the CRP about the importance of not recruiting children. During the year, the UN country task force on monitoring and reporting grave violations against children in situations of armed conflict reported that 65 PDFs officers participated in training on child protection in Dilling and Kadugli.

Although the Ministry of Labor's Secretariat of Sudanese Working Abroad—the body responsible for collecting fees and taxes from Sudanese migrant workers before their departure and protecting their rights and interests while abroad—reportedly has an anti-trafficking section to repatriate abused workers from the Middle East, the Government of Sudan failed to authorize separate meetings with this body for the purpose of providing information on its anti-trafficking efforts for this report. It is thus unknown what efforts, if any, the Ministry of Foreign Affairs or any of Sudan's diplomatic missions made to address the significant problem of labor exploitation of Sudanese nationals working abroad.

The government did not employ a system for proactively identifying trafficking victims among vulnerable populations or a referral process for transferring victims to organizations providing care. It did not encourage victims' assistance in the investigation and prosecution of trafficking crimes or provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. No reliable data exist regarding the detention or punishment of trafficking victims for unlawful acts committed as a result of being trafficked. Authorities in Kassala and Gedaref deported an unknown number of suspected traffickers and potential trafficking victims to Eritrea and Ethiopia during the reporting period. It is unknown whether the government made any efforts to address the labor exploitation of foreign migrants working in or forced into prostitution in Sudan. The government made no efforts to assist victims of abduction and enslavement that occurred during the twenty-two year civil war or to facilitate their safe return to their families.

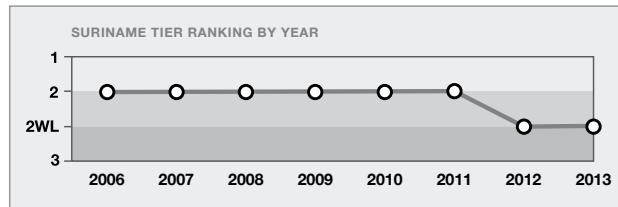
## Prevention

The government demonstrated modest efforts during the reporting period to prevent trafficking. In September 2012, the High Advisory Council for Human Rights conducted a workshop on human trafficking and made recommendations that the government pass the proposed anti-trafficking law, sign and ratify all regional and international trafficking in persons-related conventions, and better coordinate efforts between government entities, including the establishment of a technical committee to implement the anti-trafficking law. In April 2012, the Governments of Sudan and Libya finalized an agreement on labor migration in which Sudan agreed to provide qualified laborers and Libya agreed to legalize the status of Sudanese workers. The NISS reportedly held discussions with Rashaïda leaders in 2012 during which it encouraged the tribe to cease its involvement in human trafficking and other crimes; in response to the continuation of such crimes, the government increased the number of police deployed to Shagarab III refugee camp by 10 officers. During the reporting period, the Ministry of Labor established the Department of Inspection and Public Legislation, which reportedly began work to amend the Labor Law of 1998 to make it compliant with international standards. Although, after two years of review, the Ministry of Defense approved a joint action plan with the UN to end the recruitment and use of child soldiers, the Ministry of Interior did not follow suit, and the plan remains unsigned. The government did not take any known measures during the reporting period to reduce the demand for commercial sex acts. Sudan is not a party to the 2000 UN TIP Protocol.

## SURINAME (Tier 2 Watch List)

Suriname is a source, destination, and transit country for women, men, and children who are subjected to sex trafficking and forced labor. Women and girls from Suriname, Guyana, Brazil, and the Dominican Republic are subjected to sex trafficking in the country. During the year, the Brazilian government identified Suriname as a key transit point for Brazilian trafficking victims exploited in Europe. Media reports and past convictions indicate that debt bondage and sex trafficking occur within the Chinese migrant community. NGOs and government sources continued to indicate that some women and girls are exploited in sex trafficking in Suriname's interior around mining camps, although the remote and illegal nature of these camps renders the scope of the problem unknown, and there is little government presence in these areas. Migrant workers in agriculture and on fishing boats off the coast are highly vulnerable to forced labor, as are children working in informal urban sectors and gold mines.

The Government of Suriname does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, authorities increased the number of sex trafficking cases prosecuted, and identified an increased number of child sex trafficking victims. The government did not, however, report any trafficking convictions, raising concerns about accountability for trafficking offenders. Victim protection remained inadequate, and local official complicity was a serious concern. Therefore, Suriname is placed on Tier 2 Watch List for the second consecutive year.



**Recommendations for Suriname:** Vigorously investigate and prosecute trafficking cases and convict trafficking offenders, including officials complicit in human trafficking; ensure that victims receive adequate specialized services through partnering with and funding NGOs that provide these services; ensure that a victim's initial refusal to testify against a trafficker does not prevent authorities from pursuing a prosecution; provide training to law enforcement, immigration, health care, labor, and judicial officials and social workers regarding the identification of trafficking cases and the treatment of victims; and continue to raise awareness about all forms of trafficking.

## Prosecution

The Government of Suriname prosecuted an increased number of sex trafficking cases during the year; however, accountability for trafficking offenders continued to be a problem as it convicted no trafficking offenders and local official complicity remained a concern. Suriname prohibits all forms of human trafficking through a 2006 amendment to its criminal code, which prescribes sufficiently stringent penalties of five to 20 years' imprisonment—penalties that are commensurate with those prescribed for other serious crimes, such as rape. The police continued to operate a specialized anti-trafficking unit that investigated cases and conducted administrative checks of nightclubs in the capital where prostitution occurred. The government had insufficient resources to conduct investigations in the country's interior, however, and prosecutions are almost exclusively dependent on the victim's willingness to testify.

Officials investigated eight cases of child sex trafficking in 2012, compared to two cases of child sex trafficking in 2011. Authorities investigated two potential forced labor cases involving fishing vessels: one Chinese vessel with Burmese fishermen and a Guyanese vessel with Guyanese fishermen. Officials determined, however, that these cases were labor disputes. The government initiated five prosecutions involving 19 trafficking offenders or accomplices during the year, including six trafficking offenders whose trial *in absentia* was ongoing at the close of the reporting period; authorities did not report convicting any trafficking offenders. The government initiated the prosecution of a local government official for subjecting two Guyanese girls to forced prostitution. In another case, authorities refused to investigate a businessman accused of luring a foreign victim to Suriname with a job offer and subsequently attempting to compel the woman to engage in sexual acts for his webcam pornography business, and physically assaulting the victim when she refused. The government reported training law enforcement officials in the capital and in one district on investigations and victim identification.

## Protection

The Government of Suriname identified an increased number of child sex trafficking victims during the year, though victim services remained inadequate and authorities refused to assist

an adult sex trafficking victim. Authorities did not employ formal procedures to proactively identify trafficking victims among vulnerable populations, such as women in prostitution or migrant workers, but 40 labor inspectors received training on how to identify victims during routine labor inspections. Although the government did not have a formalized process to refer trafficking victims to NGOs that provide services, authorities reported doing so on an *ad hoc* basis. Overall, the government had insufficient resources to pay for victim care, and adequate medical and psychological services were lacking. During the year, Surinamese authorities identified 20 potential trafficking victims and referred only seven to care facilities. The government reimbursed one NGO for providing basic services to seven child sex trafficking victims, and three child victims ran away from the NGO shelter and were returned by the police. Services for adult victims were more limited, and at least one adult foreign victim received no care services from authorities. The government reported that it encouraged victims to assist with the prosecution of trafficking offenders, but it was unclear how many did so during the year. There was no specialized mechanism in place to provide foreign victims of trafficking with alternatives to their removal to countries where they faced retribution or hardship, and while authorities reported that foreign victims could apply for work or residency permits, none did so during the year.

## Prevention

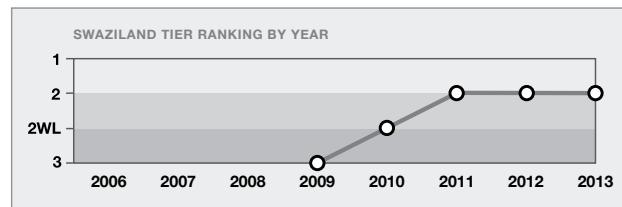
The Government of Suriname maintained limited trafficking prevention efforts during the reporting period. The government's interagency anti-trafficking working group continued to coordinate the government efforts. In 2012, the working group created a draft anti-trafficking policy and released a public service announcement to raise awareness about human trafficking. The anti-trafficking police maintained a hotline, although it was unclear how many calls it received during the year. There were no reported cases of or measures against child sex tourism during the year. The government made no discernible efforts to reduce the demand for commercial sex or forced labor.

## SWAZILAND (Tier 2)

Swaziland is a source, destination, and transit country for women and children who are subjected to sex trafficking, domestic servitude, and forced labor in agriculture. Swazi girls, particularly orphans, are subjected to sex trafficking and domestic servitude in the cities of Mbabane and Manzini, as well as in South Africa, Mozambique, and the United States. Swazi chiefs may coerce children and adults—through threats and intimidation—to work for the king. Swazi boys and foreign children are forced to labor in commercial agriculture and market vending within the country. During the year, a young Nigerian woman and two Mozambican boys were discovered in forced labor in market vending. Reports suggest labor brokers fraudulently recruit and charge excessive fees to Swazi nationals for work in South African mines—means often used to facilitate trafficking crimes. Swazi men in border communities are also recruited for forced labor in South Africa's timber industry. Some Swazi women are forced into prostitution in South Africa and Mozambique after voluntarily migrating in search of work. Traffickers reportedly force Mozambican women into prostitution in Swaziland, or transit Swaziland with their victims *en route*

to South Africa. Mozambican boys migrate to Swaziland for work washing cars, herding livestock, and portering; some of these boys subsequently become victims of forced labor. Traffickers appear to utilize Swaziland as a transit country for transporting foreign victims from beyond the region to South Africa for forced labor; in 2011, Swazi authorities intercepted several transiting Indian nationals and, in 2012, a few cases of Ugandan and Chinese nationals.

The Government of Swaziland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government initiated prosecution of two suspected trafficking offenders and recalled a Swazi diplomat from an overseas posting for alleged trafficking complicity. Police and immigration officials intercepted nine potential foreign victims in 2012, though they failed to identify or investigate cases involving Swazi victims. Moreover, the government failed to train any of its officials, including law enforcement personnel, on existing legislation and indicators for victim identification, which stymied investigations and prosecutions. During the previous reporting period, the government failed to provide adequate shelter and support for victims following their identification, which led to the deportation of six victims in 2011; this deficiency was again highlighted in 2012, when additional victims were not provided sufficient shelter and services—increasing their vulnerability to revictimization. While the anti-trafficking taskforce and its secretariat continued to guide anti-trafficking efforts, a lack of funds hindered progress on all fronts, especially with regard to the provision of adequate protection to victims.



**Recommendations for Swaziland:** Complete the review and drafting of amendments to the 2010 anti-trafficking act to allow for permanent residency of foreign trafficking victims; complete and disseminate implementing regulations to allow for full implementation of the 2010 anti-trafficking act's victim protection and prevention provisions; ensure the activities of the taskforce, secretariat, and implementing departments are sufficiently funded, particularly to enable the provision of adequate accommodation and care to victims; differentiate the process of victim identification from the prosecution of offenders, as victim identification should not be tied to the successful prosecution of a trafficker; investigate and prosecute trafficking offenses, including internal trafficking cases, and convict and punish trafficking offenders; begin regulating labor brokers and investigate allegations of fraudulent recruitment; prioritize the training of officials on the 2010 anti-trafficking act and case investigation techniques; develop and implement formal procedures to identify trafficking victims proactively and train officials on such procedures; continue partnering with non-governmental, international, and religious organizations to provide services to victims; develop a formal system to refer victims to care; institute a unified system for collecting trafficking case data for use by all stakeholders; and continue to conduct anti-trafficking awareness campaigns.

## **Prosecution**

The Government of Swaziland maintained its modest anti-trafficking law enforcement efforts during the reporting period. It began prosecution of two alleged labor trafficking offenders, investigated several potential trafficking cases—some in cooperation with other governments—and recalled a diplomat from an overseas posting for trafficking-related complicity. However, the government failed to convict any trafficking offender or train any of its officials. The People Trafficking and People Smuggling (Prohibition) Act, 2009, which became effective in March 2010, prescribes penalties of up to 20 years' imprisonment, plus a fine to compensate the victim for losses, under section 12 for the trafficking of adults and up to 25 years' imprisonment under section 13 for the trafficking of children; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has not drafted or enacted the necessary implementing regulations for the law or used it to successfully convict a trafficking offender. After a 2011 case revealed inconsistencies between the anti-trafficking act and the Immigration Act of 1992, the government initiated a process to harmonize these laws; in February 2013, the government held a workshop, in partnership with UNODC, to begin this process, but has not yet begun drafting these amendments.

In February 2013, the government charged two Nigerian nationals under the 2010 act for the alleged labor trafficking of a third Nigerian national who was recruited with promises of a college education, but was made to sell goods after her arrival in Swaziland under conditions indicative of forced labor, including denial of food, passport withholding, and physical assault; the two offenders have been released on bail pending trial. In November 2012, the Siteki Magistrate Court acquitted one suspected trafficking offender accused of trafficking two Mozambican boys into forced labor in market vending. The government intercepted nine potential foreign trafficking victims in transit during the year. In one case, two Chinese nationals were discovered traveling with two Swazi nationals at Lomahasha Border Post; one of the alleged offenders was reportedly an official with the Swaziland Revenue Authority. Officials withdrew charges against the suspects after the victims fled the country. The government recalled a Swazi diplomat from an overseas posting, following allegations of confinement, underpayment of wages, and long working hours by the diplomat's former domestic worker. However, the government failed to investigate or prosecute officials allegedly complicit in trafficking or trafficking-related crimes, including citizenship and immigration staff accused of issuing falsified official Swazi documents. During the reporting period, the Royal Swaziland Police Service cooperated with South African, Ugandan, and Mozambican counterparts in the investigation of transnational trafficking cases and in victim repatriations. Despite its efforts to investigate potential trafficking cases involving foreign victims, the government—specifically police and immigration officers—failed to investigate any cases involving Swazi victims trafficked internally or abroad. The Domestic Violence, Sexual Abuse, and Child Protection (DCS) unit of the Swazi police—with primary responsibility for trafficking cases—and the senior attorney who handles trafficking cases at the Directorate for Public Prosecutions (DPP) collaborated routinely; however, both DCS and DPP staff were severely under-resourced and in need of training during the year. The government did not provide anti-trafficking training to these or any of its officials during the year.

## **Protection**

For a second consecutive year, the government did not increase its protection efforts as it failed to ensure adequate assistance to and secure accommodation for trafficking victims. For example, in November 2012, following the rescue of two potential trafficking victims and their placement in a training and conference center for temporary stay, a government-contracted security guard raped both women at knifepoint while on duty; authorities arrested the suspected rapist, who remains in jail awaiting trial. In addition, some cases of trafficking were not adequately investigated, leading to victims being charged with immigration violations and placed in detention facilities. For example, in June 2012, five Ugandans were denied entry at the South African border because they lacked entry visas, and spent five months in a detention facility awaiting repatriation despite the government's identification of them as trafficking victims. Although during the year the government began development of a national victim referral mechanism and standard operating procedures for the handling of trafficking cases in partnership with UNODC, it continued to lack systematic procedures for the proactive identification of trafficking victims and their referral to care. Government authorities identified nine potential trafficking victims transiting the country and three victims exploited in Swaziland. The government provided assistance to victims both directly—with food, clothing, health care, and counseling—and in partnership with NGOs, in particular for psycho-social care. In 2012, the government set up a revolving fund for "immediate" assistance needs, which was used to purchase food and clothing for victims. During the year, the government assisted repatriated Swazi victims in safe reintegration back to their home communities, including 12 repatriated from South Africa during the year. The government did not offer foreign victims alternatives to their removal to countries where they may face retribution or hardship. Although the government did not issue them temporary residency permits during their stay, upon their departure from Swazi territory, the victims had their stay documented as "legal" in their passports by the government, a compromise that involved negotiation among several government stakeholders because of the conflict between Swaziland's trafficking and immigration laws.

## **Prevention**

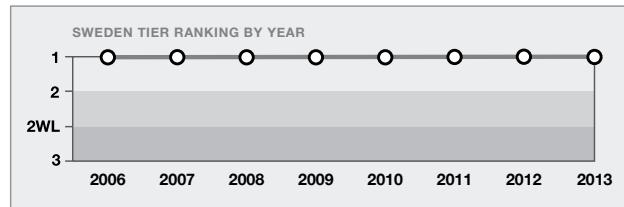
The government maintained its modest efforts to prevent trafficking during the reporting period. Although the Task Force for the Prevention of People Trafficking and People Smuggling and its Secretariat, which coordinates the work of the taskforce, held regular meetings and continued to be instrumental in guiding the government's anti-trafficking response, most prevention efforts were funded by NGOs and international donors. In January 2013, in partnership with UNODC, the Secretariat held a second stakeholder workshop, which included a review of the draft national strategic framework and action plan it prepared in 2012. The Secretariat conducted public awareness activities at the Swaziland international trade fair in Manzini in late 2012, targeting traditional leaders, students, young women, and parents with information on preventing child trafficking and how to report suspected cases. As part of donor-funded community awareness campaigns, the Secretariat and members of the taskforce, including representatives from DPP, police, and immigration, explained trafficking and the role of local and national authorities in combating the crime; these workshops took place in 10 communities over the past

two years, reaching an estimated 3,000 Swazis. As part of this project, the government developed and printed awareness raising materials, which were distributed at events around the country in 2012. The anti-trafficking hotline—funded and managed by the government—continued to receive tips on potential cases; the hotline received thousands of calls, of which three led to the government's initiation of investigations during the year. The government did not identify or prosecute labor brokers who were alleged to recruit workers through fraud and charge excessive fees; labor brokers remained unregulated. It made no efforts to reduce the demand for commercial sex acts. The government ratified the 2000 UN TIP Protocol in September 2012.

## SWEDEN (Tier 1)

Sweden is a destination, source, and, to a lesser extent, transit country for women and children subjected to sex trafficking and a destination country for men, women, and children subjected to forced labor. Women, men, and children are subjected to forced labor and forced criminal activities, including begging and stealing. Identified and suspected victims of forced prostitution largely originate from Eastern Europe (Romania, Lithuania, Russia, Georgia, Azerbaijan, Bulgaria, and Poland), Africa (Nigeria, Eritrea, Gambia, Cameroon, Uganda, Sierra Leone, and Kenya), and Asia (Thailand, India, Uzbekistan, and Mongolia). Swedish girls were also vulnerable to sex trafficking within the country. Men and women from Bulgaria, Cameroon, Latvia, Slovakia, China, Bangladesh, Estonia, Thailand, and Vietnam are subjected to labor trafficking in the domestic service and hospitality sectors, as well as in seasonal labor, when workers travel to Sweden to pick berries or perform construction, forestry, or gardening work. Authorities report that organized crime groups are increasingly involved in leading trafficking schemes in Sweden. Both victims and perpetrators of forced begging and stealing originate primarily in Romania and Bulgaria. The 3,578 unaccompanied foreign children who arrived in Sweden in 2012 to seek asylum, primarily from Afghanistan, are vulnerable to human trafficking. Child sex tourism offenses committed by Swedish nationals traveling abroad remain a problem.

The Government of Sweden fully complies with the minimum standards for the elimination of trafficking. Swedish courts convicted more trafficking offenders than in past years, though law enforcement launched fewer investigations, and there were concerns that judges did not fully understand the trafficking phenomenon. The government began a pilot project with an NGO to ensure the safe repatriation of foreign trafficking victims found in Sweden, while there continued to be concerns about the lack of specialized care for men and child victims of trafficking. Authorities took action to combat child sex tourism committed abroad by Swedish nationals, and imposed new rules on employers of seasonal workers, though the government continued its anti-trafficking work without an action plan against labor trafficking.



**Recommendations for Sweden:** Vigorously prosecute, convict, and punish labor and sex trafficking offenders using Sweden's anti-trafficking statute; ensure that trafficking offenders receive sentences commensurate with the gravity of this serious crime; ensure judges receive training on the application of the anti-trafficking law; ensure that migrant and seasonal laborers receive education about their rights in Sweden; ensure that trafficking victims are offered a reflection period in accordance with Swedish law; continue efforts to identify and provide trafficking-specific assistance to child trafficking victims in Sweden, including Swedish victims of trafficking; ensure adult male victims of trafficking receive trafficking-specific assistance; consider proactive measures to prevent unaccompanied foreign minors from being subjected to sex trafficking and forced labor; formalize victim identification mechanisms; ensure that labor trafficking is explicitly included in the mandate of the national coordinator and any national action plan; ensure that victims of labor trafficking are provided with full information about their rights and that they are empowered to testify against their exploiters; provide longer term residency options for victims who may face retribution or hardship in their country of origin; ensure that municipal authorities understand victim protection protocols; consider a national anti-trafficking awareness campaign to address forced labor in addition to forced prostitution; vigorously prosecute Swedish child sex tourism offenders; and continue regular, self-critical assessments of Sweden's anti-trafficking efforts.

### Prosecution

The Government of Sweden demonstrated mixed law enforcement efforts during the reporting period, launching fewer trafficking investigations. Sweden's 2002 anti-trafficking law prohibits both sex trafficking and forced labor and prescribes penalties of two to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2012, Swedish law enforcement investigated 21 sex trafficking cases, a decline from 35 in 2011. Law enforcement investigated 48 cases of forced labor, forced begging, or forced criminal activities, in contrast to 62 in 2011. Of the 21 cases of sex trafficking, nine involved children; 13 of the 48 labor trafficking cases involved children. Authorities initiated prosecutions of 35 suspected trafficking offenders under Sweden's trafficking statute and related laws, in contrast to 43 prosecutions initiated in 2011. The courts dismissed two cases, down from eight dismissals in 2011. The remaining 33 offenders were convicted and received sentences of up to five years in prison, roughly equivalent to the 27 convicted in 2011, with sentences of up to four and a half years in prison. The government did not report the investigation, prosecution, or conviction of any government officials complicit in trafficking.

The commitment and expertise of Swedish police and prosecutors was hampered by an inadequate anti-trafficking

response on the part of the judiciary. For instance, in 2010, the government revised its anti-trafficking law to clarify that evidence of a victim's initial consent does not override evidence of subsequent coercion, but some judges continue to acquit or dismiss cases where initial consent was indicated. While the government continued to provide specialized trainings and handbooks for investigators and prosecutors, observers reported that many judges do not understand the trafficking phenomenon and lacked interest in receiving training. Swedish authorities collaborated with foreign governments on trafficking investigations, including Belgium, Lithuania, Norway, and Serbia.

## Protection

The government demonstrated some progress in the reporting period with increased attention to the safe repatriation of victims trafficked in Sweden, though there were continued concerns regarding service delivery to male trafficking victims. The government identified 69 victims of trafficking during the reporting period, compared to approximately 141 victims identified in the previous reporting period and 84 victims in 2011. There were 21 victims of sex trafficking and 48 victims of trafficking for other purposes. Police referred adult female victims of trafficking to NGOs operating women's shelters, where victims receive assistance with immigration issues, medical care, Swedish language training, and educational and employment needs. Victims could leave the shelter at will and without a chaperone. Authorities referred child victims to social services officials, who placed child victims in foster care or group housing. The government provided no specialized shelter for male victims of trafficking, who were often housed in shelters for the homeless, drug addicts, or individuals with mental illness. Municipalities reimbursed NGOs that provided services to victims who had received a residence permit for cooperating with police. The government provided medical care and assistance with repatriation for victims not assisting law enforcement. The government offered a reflection period of 30 days during which victims could decide whether to cooperate with law enforcement authorities; this provision was not well-known across law enforcement and authorities rarely informed victims about the reflection period. The Migration Board issued 28 temporary residence permits to trafficking victims in 2012, two of which were for children of trafficking victims, compared to 39 permits in 2011. State prosecutors had the power to file an application for a permanent residence permit on behalf of a trafficking victim during or after a trial based upon the person's need of protection; however, no victims obtained such immigration status in 2012. The government decided to grant two Mongolian children asylum based on information that they had been victims of trafficking in their country of origin prior to arriving in Sweden. NGOs reported that municipal authorities had an uneven understanding of victim protection protocols. In 2012, the government launched a pilot program with an NGO to ensure the safe repatriation of foreign victims trafficked in Sweden. The government continued to integrate training on victim identification and referral to police at basic training. The court appointed legal counsel for victims of trafficking during the course of criminal proceedings and, although there was no formal victim restitution program, the government's Crime Victim Compensation and Support Authority awarded compensation to some trafficking victims in 2012. There were no reports that the government penalized identified victims for unlawful acts they may have committed as a direct result of being trafficked.

## Prevention

The Swedish government improved prevention efforts during the reporting period, instituting new rules for employers of seasonal workers and taking robust action against child sex tourism. The interagency working group continued to meet, and the government's anti-trafficking program was still formally guided and funded by an extension of its 2008-2010 action plan against prostitution and human trafficking for sexual purposes. Under this plan, the Government of Sweden designated the Stockholm county administration as the coordinating body of the government's victim services activities. Recognizing that forced labor has expanded in the country, Swedish authorities have voluntarily acted, in the absence of a formal mandate or action plan, to combat this additional form of trafficking in persons. Nevertheless, the government recognized that the lack of a formal mandate or action plan to address labor trafficking sometimes hindered its efforts to address the crime. The national rapporteur continued to provide an annual report of the trafficking situation in Sweden which included areas of improvement. The Swedish government funded a national help line for victims of violence and sexual abuse, including trafficking, which was available in a number of languages, including languages spoken in the countries that are most commonly countries of origin for victims of trafficking in Sweden.

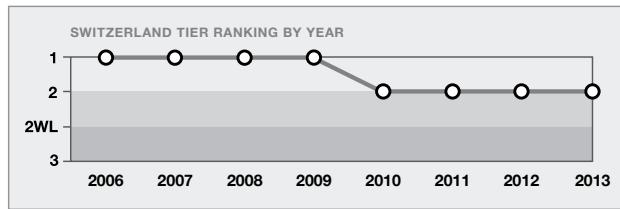
The Swedish Migration Board implemented new rules on employers of foreign seasonal workers, requiring employers to demonstrate that they can guarantee their workers' salaries. These employers must also register in Sweden or another EU country, which increases accountability. The government continued to conduct robust activities to reduce the demand for commercial sex, including by establishing social services groups in the three largest cities that counsel individuals arrested for purchasing commercial sex. Sweden's law prohibiting child sexual offenses has extraterritorial reach, allowing the prosecution of suspected child sex tourists for offenses committed abroad. The national criminal police staffed a unit focused on combating child sex tourism with two intelligence officers and two full-time investigators, who assisted foreign and Swedish authorities with criminal cases of child sex tourism. In 2012, the government convicted one Swedish man for child sex tourism.

## SWITZERLAND (Tier 2)

Switzerland is primarily a destination and, to a lesser extent, a transit country for women and children subjected to sex trafficking and children forced into begging and theft. Sex trafficking victims originate primarily from Central and Eastern Europe (Hungary, Poland, Bulgaria, Slovakia, Czech Republic, Slovenia, Romania, Ukraine, Moldova, and Albania), though victims also come from Latin America (Brazil, the Dominican Republic, and Colombia), Asia (Thailand and Cambodia), and Africa (Nigeria and Cameroon). During the last year, Swiss government officials and NGOs reported an increase in the number of children forced into begging and shoplifting from other parts of Europe, especially Hungary, Romania, and Bulgaria, many of whom were ethnic Roma. Federal police assessed that the total number of potential trafficking victims residing in Switzerland was between 2,000 and 3,000. Swiss authorities identified larger numbers of Turkish and Macedonian criminal groups also engaged in human trafficking, often in coordination with drug trafficking

activities. Federal police noted victims were increasingly housed in rented apartments in smaller, industrialized villages outside of large cities. There reportedly was forced labor in the domestic service sector, particularly in foreign diplomatic households in Geneva, and increasingly in agriculture, construction, hotels, and restaurants. According to Swiss authorities, female and underage asylum seekers were especially vulnerable to sex trafficking.

The Government of Switzerland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government took clear steps to improve its anti-trafficking program during the reporting period, including opening more cases of alleged trafficking offenses and cooperating with international partners to disrupt major trafficking rings operating in the country. Improving from previous years, Swiss courts sentenced several trafficking offenders to significant time in prison. The government identified more victims of trafficking and enhanced the protection of witnesses. Switzerland also advanced legislation that would prohibit prostitution of all persons under 18, and, in 2012, issued its first anti-trafficking action plan. Nevertheless, until the third-party harboring, transport, or recruitment of a teenager (under the age of 18) in prostitution is illegal, Switzerland does not prohibit all forms of trafficking.



**Recommendations for Switzerland:** Ensure the prohibition of the prostitution of all persons under 18 years old nationwide; continue to explore ways to increase the number of convicted traffickers who receive sentences commensurate with the gravity of this serious crime; increase the number of convicted traffickers serving time in prison; amplify training on and enforcement of labor trafficking laws, including laws covering forced begging and forced criminal activities; enhance the collection and compilation of law enforcement and victim assistance data; provide adequate funding for trafficking victim service providers and ensure there are trafficking-specific services for children and male victims; identify more children in begging as trafficking victims; conduct a nationwide awareness campaign that addresses labor and sex trafficking and targets potential victims, the general public, as well as potential clients of the sex trade and consumers of products made and services provided through forced labor; and, drawing from recommendations in the Union of Swiss Cities and City of Bern report on begging, strengthen trafficking victim services to affected children in all cantons.

## Prosecution

The Government of Switzerland improved its anti-trafficking law enforcement efforts this reporting period, largely by taking key steps toward expanding the prohibition on child prostitution, but also by dismantling major trafficking networks and sentencing convicted offenders to significant prison terms. Switzerland prohibits trafficking for most forms of sexual and labor exploitation through Articles 182 and 195

of the Swiss penal code, which prescribe penalties of up to 20 years' imprisonment. These penalties are commensurate with penalties prescribed for other serious crimes, such as rape. Swiss law does not expressly prohibit the prostitution of children aged 16 and 17 under all circumstances throughout the country, leaving these children vulnerable to sex trafficking when a third party profits from a child in prostitution. In November 2012, the upper house of the legislature voted unanimously in favor of a draft amendment to the Swiss penal code that would prohibit the prostitution of children aged 16 and 17, including the transportation or harboring of children in prostitution; however, the amendment was still pending in the lower house of the legislature at the close of the reporting period. Several cantons prohibited the prostitution of individuals under 18 years of age.

The Swiss government continued to organize anti-trafficking efforts under the umbrella of the Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM), a specialized unit within the Federal Office of Police tasked with anti-trafficking policy, information exchange, cooperation, and training; the KSMM was not directly involved in criminal proceedings or investigations. The government did not provide current data on law enforcement efforts against labor trafficking. Swiss authorities conducted 226 investigations into human trafficking and forced prostitution in 2012, in contrast to 233 in 2011. During the reporting period, the government prosecuted at least 31 suspected offenders for trafficking offenses, 26 of which were new cases in 2012, compared to approximately 50 in 2011. In 2011, the most recent year for which comprehensive conviction data were available, Swiss authorities convicted 14 sex trafficking offenders, with one offender receiving a prison term of four and a half years. At least three other offenders received prison sentences, and nine individuals were given suspended sentences or fined. During the reporting period, Swiss judges sentenced more convicted traffickers to longer prison sentences than in previous years. In July 2012, a court in Zurich sentenced one trafficking offender to 14 years in prison. In January 2013, the Bellinzona criminal court sentenced one trafficker to 10.6 years in prison. In March 2013, following a wide-scale police investigation that uncovered 50 Thai victims subjected to sex trafficking in Switzerland, a Swiss court sentenced the ringleader to six and a half years in prison. However, there were continued concerns over some cantonal courts predominantly issuing suspended sentences to convicted trafficking offenders, reportedly because some prosecutors and judges lacked sufficient sensitization to trafficking crimes.

In October 2012, the federal police organized a specialized anti-trafficking training for law enforcement personnel in the French-speaking part of the country. During the reporting period, Swiss authorities cooperated with several countries and with Europol to investigate trafficking crimes, including the October 2012 eight-country coordinated raid against West African human trafficking networks that identified 468 potential trafficking victims across Europe. The government did not report the investigation, prosecution, conviction, or sentencing of any public officials for trafficking-related complicity.

## Protection

The Government of Switzerland improved its victim protection efforts during the reporting period, significantly enhancing protections for victims who chose to be witnesses in court

proceedings. Under the Swiss Victims Assistance Law, all trafficking victims were entitled to shelter, free medical aid, living stipends, and psychological, social, and legal assistance from government-funded victim assistance centers. Although some facilities specialized in assistance to trafficking victims, most were shelters for victims of domestic violence and, as such, were inadequate for trafficking victims' care. Trafficking victims were allowed to leave the shelters at will and without chaperones. Two anti-trafficking NGOs offered specialized shelter in apartments exclusively for female trafficking victims. Availability of services to men was often limited in rural areas, but in urban areas, there were assistance centers with more specialized expertise available for trafficked men and boys. Federal and cantonal authorities compensated most NGOs that provide services to trafficking victims primarily on the basis of agreed per capita payments for services rendered to victims. The country's principal anti-trafficking NGO received approximately one third of its operating budget from the government.

Several of Switzerland's cantons have formal procedures for the identification of victims and their referral to protective services. However, observers reported that a significant number of trafficking victims remain unidentified. In 2012, the government registered 86 victims of trafficking and 60 victims of forced prostitution, compared to 2011 when the government identified at least 61 victims. The lead NGO reported assisting 155 victims in 2012, compared to 164 in 2011. Twelve of these victims were victims of labor trafficking. Although the majority of victims served were women, one major anti-trafficking NGO offered assistance to a male sex trafficking victim.

Observers estimated that approximately 40 percent of identified trafficking victims cooperated in the investigation or prosecution of trafficking offenders in 2012. Cantonal immigration offices granted a three-month reflection period to 14 trafficking victims in 2012 and issued 54 short-term residency permits to victims for the duration of legal proceedings against their traffickers, compared with more than 19 30-day stays of deportation and 66 short-term residency permits in 2011. The government also granted two trafficking victims long-term residency permits on personal hardship grounds, a decrease from 13 victims in 2011. Although there were no reports of victims being penalized for unlawful acts committed as a direct result of being trafficked, NGOs reported that authorities in Zurich increasingly issued fines to women illegally engaged in prostitution during the reporting period.

### **Prevention**

The government significantly improved its trafficking prevention activities during the reporting period, including by issuing its first anti-trafficking national action plan. The Swiss released the 2012-2014 national action plan against human trafficking in October 2012, which called for a number of new anti-trafficking measures, including the penalization of child prostitution, the creation of a practical guide to fighting forced labor and identifying its victims, and creation of a national program for the protection of victims. The government included NGOs in the development of the action plan. In October 2012, the government organized a one-day conference in Bern to present the action plan and discuss human trafficking; over 300 people attended the event. The government did not launch any broad-based anti-trafficking public awareness campaigns during the reporting period.

The government continued to regulate the employment of domestic servants in the homes of diplomats, including monitoring salaries and working conditions of domestic workers. The government continued to conduct an annual assessment of its anti-trafficking efforts and publish the results. Over the course of the last three years, the Government of Switzerland established bilateral agreements with authorities in Nigeria, Serbia, Kosovo, and Bosnia and Herzegovina to discuss migration and trafficking issues. The government maintained an online reporting office in four languages for tips on suspected cases of child sex tourism. The Swiss government did not report prosecuting any Swiss citizens for child sex tourism offenses. The government did not take action to reduce the demand for commercial sex acts.

## **SYRIA (Tier 3)**

Since March 2011, the Syrian government has deployed its security forces to violently repress anti-government demonstrators. At the end of this reporting period, UNHCR estimated that over 60,000 people have died since the protests began. Due to the consistent lack of security and continued inaccessibility of the majority of the country, it is not possible to conduct a thorough analysis of the impact of the ongoing conflict on the scope and magnitude of Syria's human trafficking situation. Reports indicate that an unknown number of trafficking victims have fled the country as a result of widespread violence that has plagued many cities, including the capital Damascus, and major cities such as Aleppo, Homs, Hama, Dara'a, and Idlib, as well as a devastated economy; however, according to international organizations, some trafficking victims remain trapped in Syria.

Prior to the political uprising and violent unrest, Syria was principally a destination country for women and children subjected to forced labor or sex trafficking. Thousands of women—the majority from Indonesia, the Philippines, Somalia, and Ethiopia—were recruited by employment agencies to work in Syria as domestic servants, but were subsequently subjected to conditions of forced labor by their employers. Some of these women were confined to the private residences in which they worked, and contrary to Syrian law, most had their passports confiscated by their employer or the labor recruitment agency. Contracts signed in the worker's country of origin were often changed upon arrival in Syria, contributing to the worker's vulnerability to forced labor. At the end of the reporting period, uncorroborated media reports suggested that undocumented Filipina domestic workers continue to be sent to Syria after transiting Dubai; these workers continue to be particularly susceptible to conditions of forced labor. In September 2012, the media reported that the Government of the Philippines was seeking the return of more than 5,000 women and girls from Syria, but many were trapped in cities under siege such as Homs and Hama. As in the previous reporting period, the Government of Ethiopia's ban on its citizens accepting employment in Syria did not stop the flow of workers into the country. Some Iraqi refugees reportedly contract their daughters to work as maids in Syrian households, where they may be raped, forced into prostitution, or subjected to forced labor. At the end of the reporting period, the UN Commission of Inquiry on Syria, UNICEF, and an international NGO corroborated local media reports that the Syrian armed forces and opposition forces are using Syrian children, some as young as eight years old, as soldiers in combat and support roles and as human shields.

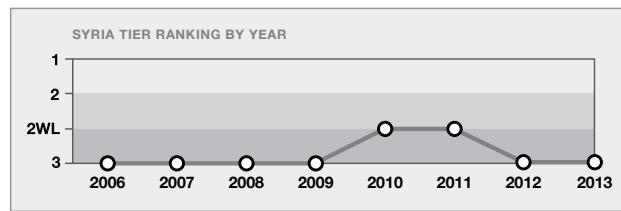
The UN reported in February 2013 that Syrian government forces seized children under 18 years old at checkpoints, and government-affiliated militia used sectarian affiliation, kinship systems, and cash to fill their ranks; these methods may have led to the recruitment of child soldiers. Children were also used as informers; government, government-affiliated, and opposition forces punished “informants” with judicial or extrajudicial execution. Anti-governmental opposition armed groups also enlisted children under 18 years old into their ranks. Some armed groups used children as prison guards; an uncorroborated video allegedly showed a child associated with an armed group behead a prisoner. A Syrian-based organization also documented the deaths of at least 17 children who fought for the Free Syrian Army.

Traffickers prey on Syria’s large Iraqi refugee population, with some Iraqi women and girls exploited by their families or by criminal gangs; victims were sent to work in nightclubs, placed into temporary “marriages” to men for the sole purpose of prostitution, or sold to pimps who “rent” them out for longer periods of time. Some Iraqi parents reportedly abandoned their daughters at the Iraqi side of the border with Syria with the expectation that traffickers would provide forged documents for them to enter Syria and work in a nightclub. In other instances, refugees’ children remained in Syria while their parents left the country in search of improved economic circumstances, leaving the children vulnerable to trafficking. Iraqi women deported from Syria on prostitution charges are vulnerable to being trafficked or retrafficked by criminal gangs operating along the border. With the continued political unrest, many Iraqi refugees that remained in Syria reported being unable to find work in the informal sector. A number of these refugees were coerced into taking part in anti-government protests, and therefore harassed or subjected to abuse, all of which increase this vulnerable population’s susceptibility to trafficking and place their lives continuously at risk.

Syria has been a transit country for Iraqi women and girls, as well as southeast Asians and east Africans who have been subjected to conditions of forced prostitution in Europe, Saudi Arabia, Kuwait, United Arab Emirates, and Lebanon. Prior to recent unrest, women from Eastern Europe—particularly Ukraine—Somalia, and Morocco were recruited legally as cabaret dancers in Syria; some “entertainers” were subsequently forced into prostitution after their employers confiscated their passports and confined them to their hotels. Anecdotal evidence suggests that some economically desperate Syrian children continued to be subjected to conditions of forced labor within the country, particularly by organized street begging rings. Some Syrian women in Lebanon may be forced to engage in street prostitution and small numbers of Syrian girls are reportedly brought to Lebanon for the purpose of prostitution, including through the guise of early marriage. The number of Syrian adults who are reportedly subjected to forced labor as low-skilled workers in Qatar and Kuwait increased from previous years, likely due to efforts to escape the ongoing violence in Syria. According to regional newspapers, the UN, and civil society organizations, teenage Syrian refugees who fled to neighboring states are being forced into “pleasure marriages” (*Nikah al-Mut’ah*), a cover for legalized prostitution. The high level of violence has led Syrians and foreign migrant workers to flee the country by the hundreds of thousands, and a large number of these individuals are then vulnerable to human trafficking. An international organization observed heightened vulnerability to trafficking of Syrian refugees in the Domiz refugee camp in the Kurdistan region of Iraq, including women

entering into commercially dependent relationships with Iraqi men; men entering into employment without contracts; and increased pressure on children to engage in begging.

The Government of Syria does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not demonstrate evidence of increasing efforts to investigate and punish trafficking offenses, provide protective services to victims, widely inform the public about human trafficking, or provide much needed anti-trafficking training to law enforcement and social welfare officials. Furthermore, the government continued to allocate the majority of its time and resources towards continuing to violently suppress popular protest and limit freedoms of speech, assembly, and mobility, further endangering trafficking victims and other vulnerable populations that remained in the country.



**Recommendations for Syria:** Assist governments attempting to retrieve victims of trafficking in contacting and extracting their citizens from Syria; implement the comprehensive anti-trafficking law through increased investigations and prosecutions of trafficking offenders; provide training on human trafficking to police, immigration officials, labor, and social welfare officials, including those assigned to the anti-trafficking directorate; ensure that the anti-trafficking directorate is fully operational, continue to assign a significant number of female police officers to the directorate, and provide specific training on how to receive cases and interview potential trafficking victims with appropriate sensitivity; launch a nationwide anti-trafficking public awareness campaign, particularly highlighting the appropriate treatment of domestic workers under Syrian law; establish policies and procedures for law enforcement officials to proactively identify and interview potential trafficking victims, and transfer them to the care of relevant organizations; make efforts to stop the forcible recruitment of child soldiers and provide protection services to demobilized children; designate an official coordinating body or mechanism to facilitate anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, international organizations, and NGOs; and accede to the 2000 UN TIP Protocol.

## Prosecution

The government did not make progress in addressing human trafficking through law enforcement measures during the reporting period. The increasingly violent unrest during the reporting period undercut any anti-trafficking law enforcement efforts, and inadequate law enforcement training remained a significant impediment to identifying and prosecuting trafficking crimes in Syria. In June 2011, the Syrian government issued an executive order outlining the implementation of its comprehensive anti-trafficking law, Decree No. 3, which provides a legal foundation for prosecuting trafficking offenses and protecting victims, but does not provide a clear definition of human trafficking. This law prescribes a minimum

punishment of seven years' imprisonment, a penalty that is sufficiently stringent though not commensurate with those prescribed for other serious crimes, such as rape. Activities by the Ministry of Interior's 200-person specialized anti-trafficking directorate were effectively suspended, despite its 2010 mandate to investigate cases, raise public awareness, cooperate with foreign entities, train law enforcement, and track and annually report on the government's anti-trafficking efforts. The directorate continued to lack a coordination role and provided no information on its investigations or prosecutions of suspected trafficking offenses. In previous reporting periods, there were reports of collusion between low-level police officers and traffickers, particularly regarding the trafficking of women in prostitution. During the last year, there was no evidence that the government addressed alleged complicity in trafficking-related offenses through investigations.

## **Protection**

The government made no discernible efforts to identify and protect victims of trafficking during the reporting period. By the end of the reporting period, the Government of the Philippines reported that over 100 Filipinos were entering Syria each month, and many were trafficked to Homs and Hama, where they were then trapped by the ongoing siege. While the Philippine embassy continued its attempts from the previous reporting period to negotiate with the employers of at least 95 domestic workers for their release, there were no reports that the Government of Syria assisted the embassy in these efforts to identify and protect the workers, including possible victims of domestic servitude. As in the previous reporting period, the government did not refer any trafficking victims to NGO-operated shelters. The government also failed to institute any systematic procedures for the identification, interview, and referral of trafficking victims. As a result, victims of trafficking may have been arrested and charged with prostitution or violating immigration laws before being punished or deported. The government failed to take measures to protect children from being forcibly recruited as soldiers and human shields. The government neither encouraged victims to assist in investigations or prosecutions of their traffickers nor provided foreign victims with legal alternatives to their removal to countries in which they may face hardship or retribution.

## **Prevention**

During the past year, the government made no observable efforts to prevent trafficking or to raise awareness among the general public or government officials. The Syrian government's anti-trafficking unit reportedly continued to operate a 2011-instituted hotline for reporting suspected cases of human trafficking, but made no efforts to raise public awareness of the service. The government provided no information on the number of calls the hotline received. The status of the government's national plan of action against trafficking, which was drafted in early 2010, is unknown. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. Syria is not a party to the 2000 UN TIP Protocol.

## **TAIWAN (Tier 1)**

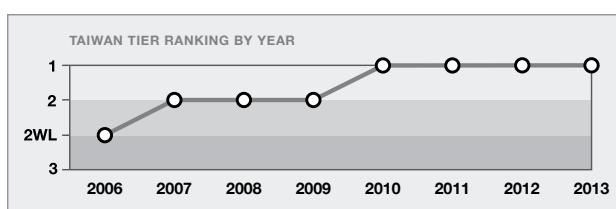
Taiwan is a destination and, to a much lesser extent, a source of and transit territory for men, women, and children subjected to sex trafficking and forced labor. Most trafficking victims in

Taiwan are migrant workers from Vietnam, Thailand, Indonesia, mainland China, Cambodia, the Philippines, Bangladesh, and India, employed through recruitment agencies and brokers to perform low-skilled work in Taiwan's manufacturing, construction, and fishing industries, and as home caregivers and domestic workers. Many of these workers fall victim to labor trafficking by unscrupulous brokers and employers who force workers to perform work outside the scope of their contract, often under exploitative conditions. Migrant workers are reportedly charged up to the equivalent of approximately \$7,700 in recruitment fees, typically in their home countries, resulting in substantial debts that may be used by brokers or employers in Taiwan as tools of coercion to obtain or retain a migrant's labor. Labor brokers in Taiwan often assist employers in forcibly deporting "problematic" foreign employees, thus allowing the broker to fill the empty quota with new foreign workers. Some employers of foreign domestic workers and home caregivers forbid their employees to leave their residences, making them unable to seek help, which could indicate that they are at risk of being subjected to forced labor. Although Taiwan is primarily a destination territory for labor trafficking victims, there are reports that Taiwan university students have fallen victim to forced labor while working in Australia.

Some women and girls from mainland China and southeast Asian countries are lured to Taiwan through fraudulent marriages and deceptive employment offers for purposes of sex trafficking and forced labor. Women from Taiwan are recruited through classified ads for employment in Japan, Australia, the United Kingdom, and the United States; after their arrival in these countries, some are forced into prostitution.

Taiwan authorities fully comply with the minimum standards for the elimination of trafficking. During the reporting period, Taiwan authorities continued robust and transparent prosecution of trafficking offenses, including both forced labor and forced prostitution. In addition, the authorities continued strong victim protection efforts, trained law enforcement and other officials, and raised public awareness on trafficking offenses.

During the reporting year, incidents of alleged labor abuse aboard a Taiwan-flagged fishing boat in international waters off the coast of Hawaii were reported. Following a distress call from crewmembers aboard the ship, which had caught fire on the open seas, the U.S. Coast Guard taxied 28 emaciated Indonesian, Chinese, and Burmese crewmembers to shore where they were interviewed and treated by authorities. During the interviews, the crewmembers claimed that they had been abused and their pay had been withheld while serving on the ship. The victims were eventually repatriated to their home countries. The alleged abuse was being investigated by Taiwan authorities as of the end of the reporting year.



**Recommendations for Taiwan:** Investigate and prosecute the owners of Taiwan-owned or -flagged fishing vessels who allegedly commit abuse and labor trafficking onboard long